



L'Arche Ireland Governance Handbook

Issue, review and amendment list

Issue s No.	Date	Amendment	Page / Paragraph	Author	Approved by	Signed by	Next review
Issue 1	1 July 2018		Whole document	Ann Brady Mc Quillian	Board L'Arche Ireland		
Issue 2	Dec 2018	T+C FGR and Audit committee	Whole document	Ann Brady Mc Quillian	Board L'Arche Ireland		
Issue 3	April 2020	Matrix of Authorisation	Whole document	Ann Brady Mc Quillian	Board L'Arche Ireland		
Issue 3	26 th September 2020	Whole handbook	Whole document	Ann Brady Mc Quillian	Board L'Arche Ireland		
Issue 4	8 October 2020	Seeking legal advice added	Whole document	Ann Brady Mc Quillian	Board L'Arche Ireland		
Issue 5	8 May	Format change Updated Code of Conduct HR Sub committee	Whole document		Board L'Arche Ireland	Grahame Copplestone	May 2023
Issue 6	Dec 21	Agreed TOR included			Board L'Arche Ireland	Grahame Copplestone	Dec 2023

CHANGE NOTE

TOR for local community committee added
TOR for Time to reflect project team added

CHANGE NOTE	2
CHANGE NOTE 2.....	ERROR! BOOKMARK NOT DEFINED.
INTRODUCTION.....	5
KEY SIGNS OF A HEALTHY L'ARCHE COMMUNITY.....	6
CHARITABLE PURPOSE.....	8
INTERNAL CONTROLS OVERVIEW.....	8
SUPPORTING PROCEDURES.....	9
SECTION I GOVERNANCE	11
L'ARCHE IRELAND ORGANISATION CHART	11
I.1 GOVERNANCE.....	11
I.2 TRUSTEES' RESPONSIBILITIES	12
I.3 EXTERNAL AUDIT AND AUDIT COMMITTEE	12
I.4 AUDIT COMMITTEE	13
TERMS OF REFERENCE	13
I.5 FINANCE, GOVERNANCE AND RISK COMMITTEE	16
TERMS OF REFERENCE	16
I.6 HR SUB COMMITTEE.....	17
TERMS OF REFERENCE	17
I.7 ROLE OF LOCAL COMMITTEES IN L'ARCHE IRELAND	19
I.8 CODE OF CONDUCT AND ETHICS FORM	21
I.9 KEY RESPONSIBILITIES OF THE BOARD OF L'ARCHE IRELAND	24
I.10 REGISTER OF TRUSTEES' INTERESTS L'ARCHE IRELAND	28
I.11 RISK MANAGEMENT AND FRAUD	29
I.12 MISAPPROPRIATION	29
I.13 RISK MANAGEMENT PLAN AND REGISTER.....	31
I.14 RECORD MANAGEMENT AND RETENTION	36
SECTION 2 FINANCIAL MANAGEMENT COMPLIANCE/ ANNUAL RETURNS.....	39
2.1 ANNUAL STATEMENT OF ACCOUNTS.....	39
2.2 ANNUAL RETURNS	39
2.3 ANNUAL REPORTS.....	40
SECTION 3 FINANCIAL MANAGEMENT	41
3.1 PAYROLL AND REVENUE COMMISSIONERS	41
2.2 TRAVEL AND SUBSISTENCE EXPENSES	43
SECTION 3	44
3.1 FIXED ASSETS	44
3.2 INVESTMENTS.....	45

3.3 RESERVE'S POLICY-	.....	46
3.4 LOANS	.....	46
3.5 INSURANCE	.....	46
3.6 RESTRICTED FUNDS	.....	47
SECTION 4	.....	48
4.1 BANK AND CASH CONTROLS	.....	48
4.2 BUDGETARY CONTROLS	.....	49
4.3 PROCUREMENT AND PURCHASING POLICY	.....	49
4.4 PAYMENTS	.....	51
4.6 TRADING INCOME	.....	54
4.7 FUNDRAISING	.....	54
4.8 FUNDING APPLICATIONS	.....	54
4.9 LEGACIES	.....	54
4.10 IT SYSTEMS	.....	55
SECTION 5	.....	56
5.1 LOBBYING	.....	56
5.2 FRAUD AND WHISTLEBLOWING	.....	59
5.3 BRIBERY	.....	66
5.4 MONEY LAUNDERING	.....	68
APPENDIX 2	MONTHLY FINANCIAL MANAGEMENT OVERSIGHT	69
APPENDIX 2	.....	71
AUTHORISATION / APPROVAL LEVELS L'ARCHE IRELAND	.....	72
• MISSION AND IDENTITY OF L'ARCHE	.....	83

Introduction

This document relates to L'Arche in the Republic of Ireland only. There is a separate legal structure and handbook available for L'Arche Belfast.

This handbook sets out L'Arche Ireland's policies and procedures in relation to all aspects of the charity's governance from the perspective of the Board of Trustees. The handbook documents the legal obligations of the charity trustees as well as the processes that L'Arche Ireland has in place to meet good governance standards, including those set out in the Charities Governance Code and the policies of L'Arche International

This handbook will be reviewed every three years, although changes can be proposed at Board meetings and the handbook adapted accordingly. Any change that would affect the constitution of the charity must be ratified at an Annual General Meeting or Emergency General Meeting.

Key signs of a healthy L'ARCHE community

This document was prepared recently by L'Arche International. It provides a succinct summary of the Mission of L'Arche and the characteristics and qualities expected in a L'Arche community. It is a succinct summary for all stakeholders. Accordingly it is reproduced here in full.

1.1 The main objects of L'Arche Ireland are: Identity and Mission of L'Arche

We are people with and without intellectual disabilities, sharing life in communities belonging to an International Federation. Mutual relationships and trust in God are at the heart of our journey together. We celebrate the unique value of every person and recognise our need of one another.

Our **Mission** is to:

- ☒ Make known the gifts of people with intellectual disabilities revealed through mutually transforming relationships.
- ☒ Foster an environment in community that responds to the changing needs of our members, whilst being faithful to the core values of our founding story.
- ☒ Engage in our diverse cultures, working together toward a more human society.

Following are key signs that a L'Arche community is faithful to the Identity and Mission of L'Arche, competent in its responsibilities, and responsive and resilient in the face of changing internal and external environments. The list is not meant to be comprehensive, but to highlight important indicators of health. No community will possess all these attributes all the time.

1) Core members are valued, supported in living their gifts, and growing as human beings.

- a. Provided with **quality** of physical, medical, emotional and personal **support**. Individual plans are in place and regularly reviewed. When needed professional support is sought.
- b. Supported in pursuing **interests/work/relationships** inside and outside the community.
- c. Encouraged to **grow** through various opportunities.

2) Assistants are valued, motivated, and growing as human beings.

- a. **Carefully recruited, screened and trained.**
- b. **Encouraged to grow** through regular evaluation, formations, retreats, accompaniment.
- c. Provided **adequate compensation and benefits** to encourage them to stay.

3) Quality of daily life, communal and spiritual life

- a. **Physical spaces** are pleasant for people to live in, in all aspects.
- b. The **day programs** offer desired and quality activities.
- c. Core members and assistant **share life** and take the time to truly be with one another.
- d. There is a recognizable and comfortable **routine**.
- e. The **spirituality** is lived authentically
- f. Spirituality is expressed and **practiced** in meaningful ways.

4) Leadership & Governance

a) Processes

- ✓ There is **trust, cooperation, and a partnership** among individuals and groups
- ✓ The structures of the community are **clear, effective** and ensure the spiritual, legal, financial, and communal elements are lived.
- ✓ Taking council is a regular practice at all levels; people's voices are heard through **inclusive participation processes**.
- ✓ Decision processes are clear, transparent and understood.
- ✓ All members can access and participate in formations, retreats, and training programs for personal and professional development.

b) Leadership

- ✓ Community Leader and Board carry the vision and mission of L'Arche according to the mandate of the Community.
- ✓ Community Leader fulfills his/her responsibilities through clear and **shared leadership**.
- ✓ Community Leader and Board develop a network of **relationships around** the community.
- ✓ Community Leader, Board and International Envoy work together **collaboratively**.
- ✓ Board attends community events when able, maintains **healthy boundaries** in their relationship with it, and refers daily life activities back to community leader.

5) The community is financially viable and well managed.

- a. The community's operational budget level allows the community to accomplish its mission under good conditions.
- b. There are good practices about financial transparency and accountability
- c. Where necessary, the community is an active partner with L'Arche International Fundraisers and acts in coherence with the Federation.

6) The community is engaged in the Federation of L'Arche

- a. The community leader, board president and International Envoy have **constructive relationships**.
- b. Community members **participate in L'Arche** events and meetings.
- c. Communities express **solidarity for other communities** around the Federation.

7) The community is engaged in the world around them.

- a. The community is well integrated in its environment.
- b. The community maintain positive relationships and advocate effectively for the situation of people with disability.
- c. The community develop activities to raise public awareness and develop its notoriety.

The community is engaged into the development of l'Arche in its country.

Charitable purpose

These objects fall under the definition of charitable purpose for public benefit as set out in the Charities Act 2009.

1.2 L'Arche Ireland is satisfied that any private benefit arising to anyone employed or providing services to [L'Arche Ireland] is reasonable, necessary and ancillary to the public benefit that your charity provides.

1.3 L'Arche Ireland conducts a strategic planning/ mandate process involving the charity trustees, management, staff, volunteers and other stakeholders and develop a 4-5 year strategy and strategic implementation plan. These Mandate/ Strategic plans are in line with the L'Arche international Mandate. This plan is supported by mandate/ strategic plans for each community.

1.4 The Board of charity trustees commits to ensuring that L'Arche Ireland has the resources it needs to carry out planned activities.

1.5 The Board of charity trustees regularly review our work to ensure we continue to act in line with our charity's purpose and provide public benefit. We regularly review our constitution.

Internal controls overview

These internal controls are essential checks and procedures that will help L'Arche Ireland's Trustees to:

- meet their legal duties to safeguard L'Arche Ireland's assets
- administer L'Arche Ireland's finances and assets in a way that identifies and manages risk
- ensure the quality of financial reporting, by keeping adequate accounting records and preparing timely and relevant financial information

If a charity is to achieve its aims then the Trustees need to ensure that assets are properly used, that its funds are spent effectively and its financial affairs are well managed.

Internal financial controls reduce, but do not eliminate, the risk of losses through theft and fraud, bad decisions, human error, breaches of controls, management override of controls and unforeseeable circumstances. Internal financial controls reduce the risk of those things happening. If they do happen then internal financial controls should also help the Trustees to find out sooner and take necessary action. Some controls may also help a charity achieve good value for money.

The Trustees, as a body, are together responsible for establishing, implementing and monitoring L'Arche Ireland's internal financial controls. They have delegated the detailed work

on this task to the Finance, Governance and HR Committee, the CEO and the Finance Officer(s)/Community Directors. The Trustees have made a collective decision on what controls are needed and have approved this document accordingly.

It is a duty of L'Arche Ireland's Trustees to ensure that the charity's resources are protected in order that the charity can fulfil its aims. It is important that all those working in the charity whether Trustees, employees or volunteers take the issue of internal financial controls seriously. Implementing controls is not just the responsibility of the Board, the Finance, Governance and HR Committee, or senior management – it applies to all employees equally.

The aims of internal financial controls are:

- to protect the charity's assets;
- to identify and manage the risk of conflicts of interest, loss, waste, bribery, theft or fraud;
- to ensure that financial reporting is robust and of sufficient quality; and
- to ensure that the Trustees comply with charity law and regulation relating to finance.

No system of controls, however elaborate, can guarantee that a charity will be totally protected against loss, waste, bribery, theft or fraud, or mistakes or mismanaged conflicts of interest. Having sufficiently rigorous controls does provide protection for the charity's assets and is the best defence for the Trustees against the charge of failing to protect the charity's assets and funds.

A culture of control is embedded in the operations of the organisation; this culture has been created by the Trustees and senior management, who lead by example in adhering to the charity's internal financial controls and good practice.

The Trustees will, at least annually, ensure a review is conducted of the effectiveness of the **charity's internal financial controls. This should include an assessment of whether the** controls are relevant to, and appropriate for, the charity and not too onerous or disproportionate.

[**Supporting Procedures**](#)

Sections 1 to 5 outline the ethos, oversight structure and policies which govern the activities of L'Arche Ireland.

Section 6 outlines the framework and some of the detail for the operational procedures which support these policies in each of the 3 Communities and for the Central Office. While uniformity across L'Arche is the objective some localisation may arise where differences in structure or resource availability requires. The detailed procedures for key areas are outlined separately in the policies and procedures.

Internal Controls at L'Arche. Compensating for limited segregation of duties through additional oversight.

L'Arche operates through three geographically separate communities and a small central office. Most of its staff (paid and volunteer) are engaged in care work and the numbers in administration are small. There is a finance officer/administrator in each community, but no central finance officer. Dublin is smaller than the other communities with fewer staff.

Every practical step is taken to maximise segregation of duties (cheque signing, payroll, close oversight by Community Leader, CEO, Local Committees and Board etc). These are detailed in the procedures manual for each location.

To minimise the risk from this limitation, a [monthly] review meeting is held in each community involving the Finance Officer, Local Honorary Treasurer and the Community Leader.

In addition to a review of the financial position both currently and in the future (v budget, prior period), the meeting reviews operational matters and any out of course expenditure, payroll changes, any changes in bank account / ETF operations, bank reconciliation items etc . In this way tight control is maintained across the financial agenda and the Local Treasurer exercises an element of independent oversight. There is an annual review of the signing authorities for both cheques, ETF, review of bank accounts debit/ credit cards. The insights from the monthly meeting will also assist the periodic review of financial matters (and related risks) by the Local Committee, the Financial Governance and Risk Committee and the Board.

Section 1 Governance

L'Arche Ireland Organisation chart



1.1 Governance

L'Arche Ireland is governed by a Constitution.

The board is committed to maintaining the highest standards of corporate governance and is determined that the charity complies with the basic principles outlined in the Governance Code.

Trustees, all of whom are non-executive and independent, are drawn from diverse backgrounds and bring a broad range of experience and skills to the Board's deliberations.

There are clear distinctions between the roles of the Board and the executive management team. The Board is responsible for providing leadership, setting overall strategy and monitoring budgets and outcomes of the organisation. The Board is also responsible for identifying the risks affecting the organisation and ensuring procedures are in place to reduce and manage the major risks identified. The Board is committed to working effectively, behaving with integrity and being transparent and accountable. There are seven Trustees; each bring to the Board their significant business and decision making skills gained in their respective fields together with a broad range of experience and views.

There are a minimum of six board meetings held each year and a finance interface meeting. At present due to Covid infection control measures, these are held remotely, currently using Zoom. Full procedures, agenda, minutes etc are in place as per in person meetings.

The day to day management is delegated to the CEO. The CEO prepares and presents policies, business plans and annual financial budgets and management accounts for consideration and

approval to the Board. There is a schedule of matters reserved to the Board for decision and a schedule of matters delegated to the CEO.

L'Arche Ireland is compliant with the Charities Governance Code and various funder governance requirements.

1.2 Trustees' Responsibilities

L'Arche Ireland's Trustees have legal responsibilities to keep accounting records, and to prepare an annual report and accounts with the appropriate level of external scrutiny. Trustees must also safeguard assets and take steps to ensure the charity is protected against financial abuse. Accounting records must be kept at a minimum for seven years.

Trustees have a number of legal duties that must be met in relation to accounting and financial reporting. These include:

- keeping 'sufficient' accounting records to explain all transactions and show the charity's financial position (management accounts are presented at all Finance Committee meetings and Board meetings)
- preparing an Annual Report and statutory accounts meeting legal requirements
- considering the need for a reserves policy, managing the level of reserves held and the disclosure of any reserves policy in the Trustees' Annual Report
- formally approving the Trustees' Annual Report and accounts
- ensuring that accounts are subjected to any external scrutiny required by law or by the charity's governing document
- ensuring that the Trustees' Annual Report, accounts and annual return are filed on time with the Charities Regulatory Authority and the Companies Registration Office
- meeting requests from the public for copies of the charity's most recent Trustees' annual report and accounts
- safeguarding the assets of the charity and ensuring proper application of resources
- taking steps for the prevention and detection of bribery, fraud, financial abuse and other irregularities

1.3 External Audit and Audit Committee

The Audit Committee's role is to help the Trustees meet their responsibilities for having effective internal controls and the efficient and effective use of funds.

The audit committee is therefore part of the financial governance arrangements of a charity.

The audit committee acts on the authority delegated to it by the Trustees and therefore has appropriate terms of reference and a clear reporting line to the Board.

L'Arche Ireland is fully compliant with the Charities Act 2009, which states that:

50.— (1) The accounts of a charitable organisation in respect of a financial year (in this subsection referred to as the “relevant financial year”) shall be audited not later than 9 months after the end of the relevant financial year by a qualified person if the gross income or total expenditure of the charitable organisation in—

- (a) the relevant financial year,
- (b) the financial year (if any) of the charitable organisation immediately preceding the relevant financial year, or
- (c) the financial year (if any) of the charitable organisation immediately preceding the year referred to in paragraph (b),

exceeds such amount as may be prescribed.

(2) The Minister shall not prescribe an amount under *subsection (1)* greater than €500,000.

(3) Subject to *subsection (4)*, the accounts of a charitable organisation (other than a charitable organisation to which *subsection (1)* applies) in respect of a financial year shall, at the election of the charity Trustees, either—

- (a) be examined by an independent person approved by the Authority, being person who has the requisite ability and practical experience to carry out a competent examination of the accounts, or
- (b) be audited by a qualified person, not later than 9 months after the end of the financial year concerned.

(4) The Authority may give a direction to the charity Trustees of a charitable organisation to which *subsection (3)* applies requiring that the accounts of the charitable organisation in respect of such financial year as is specified in the direction be audited by a qualified person.

1.4 AUDIT COMMITTEE

TERMS OF REFERENCE

Membership

The Committee will comprise at least two non-executive Trustees and will not include any employees as a member. The quorum is two.

Membership of the Audit Committee shall be reviewed every two years by the Board of Trustees and agreed at a board meeting.

The Audit Committee should appoint a Chairperson and a Secretary. The Chair of the Board may be a member of the Audit Committee but cannot chair the Audit Committee. The Committee

Chairperson shall be appointed for 2 years, which will be reviewed at the time the membership of the Committee is reviewed by the Board.

At least one member should have served on the Board for the past two years. At least one member should have relevant and recent financial experience.

The Chief Executive shall normally be in attendance at meetings. Other Trustees shall also have the right of attendance.

Accountability and Reporting Arrangements

The Audit Committee reports to the Board and must make a written report to the Board biannually.

Frequency of Meetings

The Committee will normally meet at least three times a year. The minutes of the Committee meeting shall be tabled to a subsequent meeting of the Board.

The Committee shall meet twice a year with the External Auditors with management being present, once to discuss the audit plan and secondly to review the Accounts and the Auditors comments about internal control. As part of one of the meetings, the Committee should meet with Auditors without management being present.

Responsibilities

The Board is ultimately responsible for all matters relating to the financial statements and relating to the external audit of the charity.

The primary responsibility of the Committee is to assist the Board in fulfilling its responsibilities for ensuring proper accounting, financial reporting, proper internal controls and procedures in the charity.

The Committee carries out its responsibilities mainly through regular contact with management and the external auditors and with appropriate officers.

The Committee may make decisions on other matters where the power to do so has been specifically delegated to it by the Board.

The Committee may investigate any matter falling within its terms of reference, calling on whatever resources (including outside professional advice) and information necessary to do so.

The Committee is responsible for recommending the appointment of auditors for approval by the Board.

Functions

1) Internal Controls

- Review the effectiveness of the charity's systems of internal controls.

- Handle announcements about the organisation's financial performance and financial controls.
- Monitor the accuracy of the financial statements of the organisation.

2) External Reporting

- Review the statutory financial statements with management and the Auditors, before approval by the Board, so as to consider whether a balanced and understandable assessment of the charity's position and prospects is presented.
- Review accounting principles and practices and significant changes during the year.

3) Auditors

- Agree in advance with the auditors the scope, depth and timing of their audit work (i.e. the audit "plan").
- Review estimated audit fees with appropriate input from management (at the same time as the external audit plan).
- Deal with unresolved conflicts between management and auditors if these arise.
- Review fully the results of the audit, including problems encountered by the auditors and co-operation received; all major judgmental issues; the adequacy of internal control system; the adequacy of provisions, significant recommendations to management and management's response.
- Review, and recommend to the Board for approval, proposed audit fees
- Review annually the independence, effectiveness and objectivity of the auditors, and in so doing review the nature and extent of the non-audit work carried out by them ensuring a proper balance is maintained between their objectivity and value for money.

4) Others

- Compile a report describing its membership and its duties and activities during the year, to be included in the Annual Report.
- On an annual basis the Committee will review the effectiveness of its operations and report to the Board on its findings and recommendations.
- The Committee will review these terms of reference annually, and make recommendations on updating or amending them to the Board as appropriate.

1.5 FINANCE, Governance and Risk Committee

Terms of Reference

Membership

The Committee will comprise at least three non-executive Trustees and will not include any employees as a member. The quorum is two.

Membership of the Finance, Governance and Risk Committee shall be reviewed every two years by the Board and any proposed changes recommended to the Board at that time.

The Finance, Governance and Risk Committee should appoint a Chairperson and another of its members to act as secretary to the Committee. The Chair of the Board may be a member of the Finance, Governance and Risk Committee but cannot chair the Finance, Governance and Risk Committee. The Committee Chairman shall be appointed for 2 years, which will be reviewed at the time the membership of the Committee is reviewed by the appointed sub-committee.

At least one member should have served on the Board for the past two years. At least one member should have relevant and recent financial experience, while another member should ideally have risk experience.

The Chief Executive shall normally be in attendance at meetings. The Finance Officers can be invited as required. Other Board members shall also have the right of attendance.

ACCOUNTABILITY AND REPORTING ARRANGEMENTS

The Finance, Governance and Risk Committee reports to the Board. The minutes of the Committee shall be tabled to a subsequent meeting of the Board.

FREQUENCY OF MEETINGS

The Committee will normally meet at least four times a year.

RESPONSIBILITIES

The Board is ultimately responsible for all matters relating to the management accounts, governance and risk, as well as for ensuring that the principles of good governance and best practice are followed by each Trustee.

The primary responsibility of the Committee is to assist the Board in fulfilling its responsibilities for ensuring proper accounting and corporate governance procedures in the charity.

The Committee carries out its responsibilities mainly through regular contact with management and with appropriate officers.

The Committee may make decisions on financial and other matters where the power to do so has been specifically delegated to it by the Board. In doing so, it may request the opinion of the Audit Committee.

The Committee may investigate any matter falling within its terms of reference, calling on whatever resources (including outside professional advice) and information necessary to do so.

Functions

1) Financial

- Ensure the charity keeps proper books and records and review the accuracy, layout and presentation of the management accounts
- Review a report by management on the compliance with the SLAs (Service Level Agreements) / funding agreements from the different funders and advise on appropriate actions where there are gaps in compliance
- Consider and make recommendations to the Board on the annual Business Plan and Budget of the charity
- Review investment policies and make proposals to the Board

2) Governance

- Ensure the charity has signed up to and is implementing all aspects of the Code of Governance for Voluntary and Community Organisations
- Ensure the Code of Corporate Governance and Code of Conduct for Trustees is being adhered to

3) Risk

- Assess the charity's risks and ensure appropriate mitigating controls in place to manage to an acceptable level.
- Ensure that financial control and risk management systems are in place.

4) Other

- Compile a report describing its membership and its duties and activities during the year, to be included in the Annual Report
- On an annual basis the Committee will review the effectiveness of its operations and report to the Board on its findings and recommendations
- The Committee will review these terms of reference annually, and make recommendations on updating or amending them to the Board as appropriate

1.6 HR sub committee

Terms Of Reference

Membership: 3 Board Members one of whom is Chair. Other members may be co-opted on to the sub-committee from time to time to carry out specific work, with the approval of the Board or the sub-committee (staff/others may be invited to attend meetings at the request of the sub-committee). The Board may remove or replace any member of the sub-committee at any time.

Secretary: tba

In Attendance: L'Arche Ireland CEO

Primary Role:

The sub-committee will be appointed by the Board and its functions will also be agreed by the Board. The sub-committee is authorised by the Board to deal with any appropriate matter falling within its terms of reference. The primary role of the sub-committee is to support and advise the CEO on matters/issues related to employees and volunteers as requested by the Board from time to time. This sub-committee can also be delegated to assist in decision making between Board meetings where it is agreed and nominated by the Board to do so.

Functions of the HR sub-committee are:

- To keep under review the human resources management of L'Arche Ireland, and support the CEO with decision making/best practice/human resources matters/issues as they arise
- To support the CEO in formulating policies and strategies so as to put in place necessary organisational structures and resources
- To ensure the implementation of good employment/volunteer practices by reviewing structures, procedures and practice with the CEO
- To ensure that decisions in relation to employment/volunteer issues will be made within the parameters of the financial constraints of L'Arche Ireland
- Subject to Board approval of any expenditure, the sub-committee is authorised by the Board to obtain independent employment law or other specialist professional advice it considers necessary to discharge its duties
- The sub-committee will regularly report to the Board of L'Arche Ireland and bring to its attention for approval any recommendations it considers necessary.

Principles guiding the HR sub-committee are:

- The sub-committee will take directions from the Board and operate within the understanding that ultimate responsibility for L'Arche Ireland rests with the Board
- The sub-committee will support the CEO in her people management responsibilities of L'Arche Ireland (employees and volunteers)
- The discussions are confidential to the sub-committee and L'Arche Ireland, and the sub-committee will ensure confidentiality at all times
- The sub-committee will meet as deemed necessary (4 times per year or more frequently if the matter requiring its attention should so dictate) and will also conduct its business in person, by phone, email, or virtually, where appropriate. A quorum at each meeting shall be 3 members.

Duration of Appointment

The Board members on the sub-committee may remain in position in line with their tenure on the Board of Directors.

Review: The sub-committee will periodically review and update its own terms of reference requesting Board approval for proposed changes and, at appropriate intervals, evaluate its own performance against terms of reference and best practice.

1.7 Role of Local Committees in L'Arche Ireland

Membership 6 ordinary members, and Chair who is also a Trustee of L'Arche Ireland, and Treasurer who is also a member of the FGR.

ACCOUNTABILITY AND REPORTING ARRANGEMENTS

The Chair of the Local committee is a member of the Board of L'Arche Ireland. In addition to their normal responsibilities as a trustee, they represent their community at Board meetings. The Treasurer is a member of the FGR subcommittee of L'Arche Ireland. The authority level of the local committee is outlined in the L'Arche Ireland matrix of authorization.

FREQUENCY OF MEETINGS

The Committee will normally meet at least eight times a year.

RESPONSIBILITIES

- The Local Committee, the Community Leader and his /her team are the face L'Arche in each locality. They provide crucial links with wider the local community including connections, advocacy, opportunities and concerns, resources etc
- The Committee supports and encourages the Community Leader and his/ her team. It is also a source of 'challenge and build' for the Community.
- The Committee supports and advises the local chair and treasurer who represent the community on the Board and FGR respectively.
- Regular meetings with the Community leader include discussion of the financial position, development programme, development/completion of the local mandate and strategic plan, risk management, ethos support and wellbeing, of the community.
- In addition, the Committee provides a member to local Development Teams such as those overseeing new Day Care initiatives in Cork and Kilkenny at present.
- The Committee takes part with the local team and core members in the various L'Arche processes run by the CEO/Federal leader, including the Annual Visit as well as helping to develop each 4-year Mandate.
- The Committee sponsors/ supports local initiatives including house visits, fund raising, brainstorming new ideas etc and developing and researching new ideas/plans.
- Its role includes engagement with L'Arche Ireland and collaboration with other communities. This includes sharing ideas, common projects, input to the L'Arche

Ireland Mandate and strategic plan, attendance at general assembly and other events. All of this is central to strengthening the ethos and practice of 'One L'Arche'

- Should any further subcommittees or task forces be established by the Board, for example Ethos, currently under consideration, any Local Committee member appointed would consult with and be supported by the Local Committee.

1.8 Code of Conduct and Ethics form

This form reflects the L'Arche International DI-370-01 CODE OF CONDUCT: Prevention of abuse and safeguarding and the Code of Conduct and Ethics for committee and Board members in L'Arche Ireland

This code of conduct reflects who we are

L'Arche brings together people who share life in communities that belong to an international federation.

Mutual relationships and trust in God are at the heart of our journey together.

We celebrate the unique value of every person and recognise our need for one another.

What we do:

Our mission is to make known the gifts of people with intellectual disabilities, revealed through mutually transforming relationships, and to work together to build a more human society.

In order to fully live out our mission and to be accountable to our own standards and to the human rights of people with and without disability, we need to be particularly pro-active in safeguarding to protect our most vulnerable members across the Federation.

What is the underlying principle of this code of conduct?

Relationships are central to the identity and mission of L'Arche. Given that we often speak of "mutually transforming relationships", we recognize the need to clarify this terminology. This code of conduct seeks to establish clear guidelines and name the boundaries of these relationships.

Mutually transforming relationships refer to relationships between all those who participate in the life of a L'Arche community and beyond— people with and without intellectual disabilities, regardless of their specific roles.

Mutuality implies certain equality between both partners in the relationship. We affirm the fundamental equality between us as human beings. We also recognize that there can be an imbalance of power and/or capacity to function that creates an inequality in relationships, particularly between assistants and persons with intellectual disability.

The vulnerability of this inequality needs to be acknowledged, and clear boundaries established and upheld. L'Arche therefore commits to establishing a protective environment with zero tolerance towards abuse/violence of any kind to our members.

This policy is part of a broader framework of policies with regard to prevention of abuse. It sets forth the expected behaviours and practices constituting the organisation's minimum standards and actions to be avoided.

Board and local/sub committees Code of Conduct

The board and local/sub committees make a vital contribution to the success of L'Arche. The code of conduct is a succinct statement of essential principles intended to govern the conduct of the board of L'Arche. It encourages the development of a spirit of collective decision making, shared objectives and shared ownership of and respect for board decisions. It outlines the serious commitment that members undertake when they join the board. Respect for confidentiality is the cornerstone of trust and confidence.

Board and local/sub committees members are expected to comply with the Code of Conduct upon assuming office:

Code of Conduct

Board and local/sub committees members of L'Arche will at all times conduct themselves in a manner that:

- A. supports the mission, values and objectives of L'Arche
- B. serves the overall best interests of L'Arche rather than any particular constituency
- C. brings credibility and good will to L'Arche
- D. respects principles of fair play and due process
- E. demonstrates respect for individuals in all manifestations of their physical, mental, cultural and linguistic diversity and life circumstances
- F. respects and gives fair consideration to diverse and opposing viewpoints
- G. demonstrates due diligence and dedication in preparation for and attendance at meetings, special events and in all other activities on behalf of L'Arche
- H. demonstrates good faith, prudent judgement, honesty, transparency and openness in their activities on behalf of L'Arche
- I. ensures that the financial affairs of L'Arche are conducted in a responsible and transparent manner with due regard for their judiciary responsibilities and public trusteeship
- J. avoids real or perceived conflicts of interest
- K. conforms with policies approved by the board, in particular this Code of Conduct and Conflict of Interest provisions and with the terms of the membership agreement with the Federation of L'Arche
- L. accepts – in the case of gross misconduct or on-going flagrant breach of L'Arche policy – the right of the Federation representative to recommend the removal of a board member or board chair
- M. publicly demonstrates acceptance, respect and support for decisions legitimately taken in transaction of L'Arche's affairs

As a participant in the life and mission of L'Arche, I commit to the following principles:

- 1. I will treat every person with dignity and respect.
- 2. I will not discriminate between people on the basis of their race, gender, religion, colour, national or ethnic origin, language, marital status, sexual orientation, age, ability, political conviction, or social status.

Standards of behaviour

Our mission requires that our personal and professional behaviour be of the highest standard. As a person taking part in the mission of L'Arche, I commit to the following standards of behaviour:

1. I will represent and promote the values of the mission of L'Arche to the best of my ability.
2. I will facilitate open and honest communication within L'Arche, while maintaining the highest degree of confidentiality, not only in professional matters but also in my interpersonal relationships. In order to protect the integrity of our working environment and/or community life, I commit to using the proper channels of communication; and I will invite others to do the same.
3. I will carry out as conscientiously as possible the tasks, duties, and responsibilities that have been entrusted to me in L'Arche.
4. If I am formally accompanying others in L'Arche, I commit to being accompanied myself and engaged in ongoing formation and supervision.
5. If I am a witness to any kind of abuse, I commit to reporting that information to the appropriate authority. If for some reason (the superior may be implicated) this is not possible, I should speak to the next authority level.

Therefore, I understand and accept that the following behaviours contradict these standards and are unacceptable in L'Arche:

1. Violent acts, including verbal abuse, sexual harassment, and inappropriate touching
2. Theft or fraud of the assets, funds or records of L'Arche or of any member of L'Arche
3. Unauthorised disclosure of confidential or sensitive information
4. Using illegal substances or inappropriate consumption of alcohol while carrying responsibility
5. Sexual activity or any form of abuse or coercion in any accompaniment/mentorship, leadership/supervision, or spiritual accompaniment relationship, regardless of the age of majority, or the age of consent locally. Consent cannot be given in this relationship because of the inherent unequal power dynamics.
6. Any sexual activity between an assistant/employee/volunteer and a person with a disability is unacceptable. Any abuse of a position of vulnerability, differential power or trust for sexual purposes undermines the credibility and integrity of our mission.
7. Using positions of power conferred by their roles as L'Arche members and employees to exert pressure, or extract favours or personal gain economically, professionally, politically or sexually.

I have received and carefully read this code of conduct and have discussed its contents with my supervisor/ Chair.

I herewith sign that I have read, understood and consent to the standards of behaviour described in this code of conduct.

Signed _____ Director

Date _____

Signed _____ Chairperson L'Arche Ireland

Date _____

References

L'Arche International Framework for this policy are:

InterAction Step by Step Guide to Addressing Sexual Exploitation and Abuse www.InterAction.org

Prevention of Sexual Exploitation and Abuse implementation handbook of the CHS Alliance
<https://www.chsalliance.org/>

The code has been inspired by Codes of Conduct from other international organizations that also work in the area of disability such as Humanity & Inclusion, CBM, and Caritas International

1.9 Key responsibilities of the board of L'Arche Ireland

1. Legal responsibilities: The board and local/sub committees ensures that L'Arche is acting within the laws.

- Charity laws
- subject to legislation under which L'Arche may be receiving funding from a governmental body , ie HSE SLA
- subject to the by-laws of its corporation (or society)
- subject to national and local laws (e.g., employment standards, immigration, human rights, public health, etc.)

2. Financial responsibilities: The board and local/sub committees ensures that L'Arche is developing the financial capacity to meet its current and future needs.

- finds the financial resources necessary for L'Arche Ireland communities to live its daily life and to plan for the financial resources needed for the communities to grow and to develop

- has an annual audit and is transparent in sharing reports
- establishes, with the CEO, Local committees and community leaders, the annual operating budget for the communities and monitors the community's expenditures on a regular basis
- maintains accurate financial records and has an annual audited financial statement for each fiscal year
- adopts financial policies regarding salaries, benefits, pensions and other matters (e.g., signing authority and limits) in conjunction with the policies of Ireland and the Federation
- secures the financial resources to support L'Arche on the regional, national and international levels, as applicable
- provides resources to enable training and formation and development for assistants and employees.

3. Risk management

- to establish appropriate risk-management planning, policies and practices to mitigate the possibility that adverse consequences may flow from an action or failure to act

4. Provides the communities with support to operate in line with the L'Arche ethos and Mission

- The board studies and understands the Identity and Mission of L'Arche and supports the community to be faithful to its mission and to grow in the true spirit of L'Arche, as outlined in the Charter, the Identity and Mission statements, and other relevant documents of L'Arche.
- The board exhibits care and compassion in responding to the changing needs of the members of the community, especially the long-term members.
- The board actively participates in the community's leadership discernment process which is led by the Federation representative; and hires/employs the community leader.
- The board and local/sub committees engages in regular and transparent communication with the Federation representative/ CEO (board/committee minutes are to be made available to same) and participates in community evaluation processes led by the Federation representative.
- The board signs the membership agreement with the Federation or the local country entity and ensures on-going faithfulness to its provisions. Each committee honours the membership agreement.

- The board and local/sub committees ensures that the recommendations of international processes, such as Identity and Mission and Commitment and Belonging are honoured and implemented.

5. Ensures the credibility of the community with local authorities and promotes the message of L'Arche in the local environment

- Ensures that L'Arche is complying with the Health Act 2007 government for quality of care and services provided, and other necessary areas of compliance.
- Helps L'Arche to find its place in the Irish social health systems
- Advocates strongly and consistently for L'Arche and the gifts and human rights of all people with an intellectual disability so that L'Arche is engaged with its local culture and working to create a more human society for everyone.

6. Contributes to the future development and growth of L'Arche Ireland and is responsible for the following tasks:

- to establish sound policies and procedures consistent with regulations, as well as L'Arche policies and practices, both international and local, in areas of human resources, financial operations, governance and decision making, grievances and dispute resolution, etc.
- in collaboration with the appropriate L'Arche leaders to develop an on-going strategic planning process based on the appropriate mandates (international, national and local) to determine the short- and long-range goals and priorities for L'Arche
- to work in solidarity with the larger family of L'Arche in the Federation
- to ensure the board's effectiveness, including regular evaluations, monitoring term limits for board chairs, recruiting and orientating new board members and the organisation of the board's work

7. Confidentiality

- All Board and local/sub committee's members must treat the information presented to them, in their role as a Board member, as being confidential, unless the Board has authorised its release or its release is required by law. This duty is indefinite and applies even after a Board and local/sub committees' member has ceased to be a Board member.

8. Integrity/Conflict of interest

Please see 1.8 Conflict of Interest and Conflict of Loyalty Policy and 1.9 Register of Trustees' Interests

- Board and local/sub committees' members must furnish a statement of interest, even a nil statement, to L'Arche Ireland annually. The Secretary of the Board shall retain details of these interests in a confidential register that shall be updated on an annual basis. Only the Chairperson, Secretary of the Board and the Chief Executive Officer shall have access to the register.
- Board and local/sub committee's members are required to declare their interests and absent themselves when the Board is deliberating or deciding on matters in which they, or a person or an organisation connected to them, has an interest.
- Where a Board and local/sub committees' member is uncertain as to whether a disclosure is required, the Chairperson shall decide. If a Board member receives documentation relating to a decision in which a Board member has a conflict of interest, the Board member must immediately return the documentation on receipt.
- Gifts, hospitality or preferential treatment should neither be given nor accepted where such action could be perceived as affecting the ability of the donor or the recipient to make an independent judgement on business transactions.
- Board and local/sub committee's members must not profit financially or in commercial terms from their involvement with L'Arche Ireland.

9. Guardians of L'Arche Ireland's reputation

- Board and local/sub committee's members will not speak in their Board capacity about the business of L'Arche in any public forum without the prior knowledge of the Chairperson and the Chief Executive Officer. Board members who are asked to represent L'Arche will reflect current policy positions as agreed by the Board.

Signed _____ Director

Date _____

Signed _____ Chairperson L'Arche Ireland

Date _____

1.10 Register of Trustees' Interests L'Arche Ireland

Register of Trustees' Interests

Name of Trustee	Description of interest	Does the interest relate to the Trustee, or a person closely connected to the Trustee?	Is the interest current?

1.11 Risk Management and Fraud

The incidence of reported financial crime affecting charities is relatively small compared to the size of the sector. However, when it does happen the impact can be great, and so L'Arche Ireland takes this risk seriously. Trustees recognise that financial crimes such as bribery, fraud, theft, and money laundering, or the loss of electronic data can result not only in significant loss of charitable funds but also in damage to the public trust and confidence in charities more generally.

L'Arche Ireland recognises that it may be susceptible to the following types of risk relating to fraud and financial crime:

- income-related fraud
- expenditure fraud
- property and investment fraud
- procurement fraud
- fraudulent fundraising in the charity's name
- fraudulent invoicing and grant applications
- identity fraud/theft
- banking fraud
- e-crime (including 'phishing')

There is a risk from financial crime at every stage of L'Arche Ireland's activity: at the point of income generation and fundraising, in the course of the administration of the charity, and when charitable funds are disbursed.

1.12 MISAPPROPRIATION

Any Trustee or employee discovering or suspecting any of the following must immediately notify the Chairperson of the Board of the circumstances:

- Any incident of actual or suspected fraud, theft or other misappropriation,

- Overpayment or underpayment,
 - Irregular or unfounded payment.
- a) A full report on the occurrence shall be prepared and submitted to the Board of L'Arche Ireland showing:
 - Amount involved,
 - Reasons for occurrence,
 - Persons involved,
 - Action taken in the relevant case,
 - Action taken to prevent re-occurrence.
 - b) Where appropriate, L'Arche Ireland's insurers shall be notified in accordance with the terms of their Insurance Policies.
 - c) Issues regarding theft or fraud will be referred to An Garda Síochána

(Refer also to the Whistleblowing (Protected Disclosures) Policy) – Section 5.1

1.13 RISK MANAGEMENT PLAN AND REGISTER

PURPOSE OF THE RISK MANAGEMENT PLAN

The purpose of the risk management plan and register is to allow L'Arche Ireland to identify potential risks, and to allow for mitigation strategies to be developed and tracked.

The plan will be updated whenever is necessary, (e.g. following an incident of significant impact on the organisation's day-to-day operations) and it will be reviewed on an annual basis by the Board.

Adoption of the plan was necessary to comply with the Code of Governance for Voluntary Organisations and the requirements of various funders.

As a not for profit organisation we have limited financial resources. Our primary responsibility is to our beneficiaries. As recipients of government funding, we also have a responsibility to use our resources wisely. These factors mean that the Board's attitude to risk is generally cautious, each risk situation is evaluated on its own merits.

In order to ensure that risks are identified in a consistent manner across L'Arche Ireland, a "Risk Assessment Model" has been applied. This ranks the risks in priority order and those risks considered important to track will be recorded on the Risk Register.

Mitigation/Control strategies have been developed and are monitored by the management team. If any new major risks are identified, the risk shall be reassessed and recorded. A "Summary of Risks" is reported to the Audit Committee at each of their meetings, and twice a year to the full Board at Board meetings.

The risk identification process has produced a multitude of risks. These are grouped into related risks and given a risk score, by using the risk management register.

The aim will be to identify and prioritise the key risks that are going to be closely monitored by the Audit Committee and reported to the Board.

These are the most significant risks that could prevent key organisational objectives from being achieved.

RISK MANAGEMENT PROCESS

Key Points

L'Arche Ireland's risk management is governed by the L'Arche Ireland Corporate Risk Management Policy, Framework and Guidance. L'Arche Ireland's health and safety policies, together with our financial policies and procedures and general policies and procedures manual, are separate freestanding policies, which also have cross-reference to this risk management statement and risk register.

The Code of Governance for Voluntary Organisations addresses financial management, performance management, prudence and good governance.

This requires L'Arche Ireland to hold a risk register, which is maintained setting out the main risks potentially affecting the organisation, the steps taken to mitigate risk and evidence that the register is reviewed on a regular basis.

Definition of Risk

Risk is the threat that an event or action will adversely affect an organisation's ability to meet its business objectives and execute its strategies successfully.

Risk management is the process by which the organisation establishes a procedure aimed at minimizing the impact of risks.

Risk Register

As part of its risk appraisal, L'Arche Ireland has prepared a risk register table identifying all the key risks likely to be encountered. These risks are prioritised according to materiality and probability.

Where material risks are identified, procedures for monitoring and mitigating them will be developed.

Risk Strategy

Our risk strategy has the following elements:

- Risk appetite and responses;
- Establishing responsibilities;
- Identification of risk;
- Prioritising risk;
- Evaluation of key controls;
- Monitoring

CORPORATE RISK REGISTER and RISK MANAGEMENT PLAN

Process/ Template to use in a meeting to collect relevant data for subsequent input to formal Risk Register

1	Establish the risks to the Organisation via meeting: What are the Strategic / Operational threats to the Organisation?
2	Identify the risks in each category (7 established L'Arche categories below) .. document what can happen and how
3	In the meeting agree likelihood and consequence of the risk occurring ... L ? *...I ? = Grade
4	Identify Risk owners
5	Subsequent to Risk meeting .. update Risk Register, identify mitigation measures/timeline to complete and Action
6	Regular progress update to FGR meeting

Risk Identification

Strategic (S)	Operational (O)
Risk Category	
	Likelihood of occurrence
1. Ethos	
2. Compliance with Standards	
3. Governance Objectives and Projects	
4. Financial Management	
5. Business Continuity	
6. Core member support	
7. Adverse publicity / reputational	

Likelihood of Occurrence

1	2	3	4
Unlikely	Possible	Probable	Almost certain

Potential Impact

1	2	3	4
Slight	Moderate	High	Severe

Compute risk grade: E.G.... Likelihood ..3 .*. Impact 3 .. = Grade 9 (High)

Insignificant: Minor problem easily handled under normal day to day activities or without level of disruption to the work, minor injury or some damage to property.

Moderate: High level of disruption to work or medium injury or considerable damage to property.

High: Severe disruptions to operations or severe injury or major damage to property.

Severe: Major impact in the survival of the organisation, extreme damage to property and possible fatality.

Grade of Risk Summary	
Severe 16	S
High 9-12	H
Moderate 4-8	M
Slight 1-3	SL

--	--

SAMPLE COMPLETED RISK REGISTER

Category S or O	Risk	Likeli hood	Impact	Gr ad e	Control/Mitigatio n measures	Respo nsible	Dat e to com plet e	Progress update
1. Ethos (Strategic)								
2. Compliance With Governance Standards (Operational)	Non Compliance with HSE financial Standards	2	4 Loss of reputat ion loss of funding	8	Enhance Financial Governance processes	Board	Dec 202 0	
3.Governance Objectives and Projects (Strategic)								
4.Financial Management (Operational)								
5.Business Continuity (Strategic)								
6.Core Member Support (S and O								
7.Adverse Publicity / Reputational (S and O)								

NOTE: We keep ‘risk’ as a standing agenda item in local committee and Board meetings

L’Arche Ireland continuously evaluates the above risks and ensures that all actions and initiatives undertaken manage these challenges proactively, with risk mitigation / minimisation actions being identified and implemented, so that our mandate to our participants can be pursued and effectively delivered.

Board meetings set aside a specific time within the agenda for discuss of financial matters and allow the Trustees to raise any issues of concern.

Financial information is also discussed separately in the Finance, Governance, and HR Committee. This Committee structure allows more detailed consideration of particular financial issues but it remains important that all Trustees have access to, and are briefed on, key aspects of the charity’s financial position and performance. Significant decisions are made in the context of the full Trustee body.

1.14 Record Management and Retention

L’Arche Ireland is fully compliant with the requirements of the Companies Act in relation record management and retention, and the Charities Act 2009, which states that:

47.— (1) The charity Trustees of a charitable organisation shall, in relation to that charitable organisation, keep or cause to be kept proper books of account, whether in the form of documents or other record, that—

- (a) correctly record and explain the transactions of the organisation,
- (b) enable the financial position of the organisation to be determined with reasonable accuracy at any time,
- (c) enable the charity Trustees to ensure that any statements of account prepared under section 48 are prepared in compliance with regulations made under that section, and
- (d) enable the accounts of the organisation to be readily and properly audited.

(2) The books of account of a charitable organisation shall be kept on a continuous and consistent basis that is to say, the entries therein shall be made in a timely manner and be consistent from one year to the next.

(3) Without prejudice to the generality of subsections (1) and (2), books of account kept pursuant to those subsections shall contain—

- (a) entries, from day to day, of all sums of money received and expended by the charitable organisation concerned and the matters in respect of which the receipt and expenditure takes place, and
- (b) a record of the assets and liabilities of the charitable organisation.

(4) For the purposes of *subsections (1), (2) and (3)*, proper books of account shall be deemed to be kept if they comply with those subsections and give a true and fair view of the state of affairs of the charitable organisation and explain its transactions.

(5) Books of account required by this section to be kept, the annual statement of accounts referred to in *section 48* and any account and statement prepared under *subsection (3)* of that section shall be kept either in written form or in an official language of the State or so as to enable the books of account and the accounts and returns to be readily accessed and readily converted into written form in an official language of the State.

(6) The charity Trustees of a charitable organisation shall make the books of account, the annual statement of accounts referred to in *section 48* and any account and statement prepared under *subsection (3)* of that section, of the charitable organisation, available in written form in an official language of the State at all reasonable times for inspection, without charge, by persons entitled pursuant to this Act to inspect the books of account of the organisation.

(7) A record (being a book of account required to be kept under this section), an annual statement of accounts referred to in *section 48* or any account and statement prepared under *subsection (3)* of that section shall be preserved by the charitable organisation concerned for a period of not less than 6 years from the end of the financial year to which it relates.

(8) Where, during the period of 6 years referred to in *subsection (7)* as it applies to any book of account required to be kept under this section, an annual statement of accounts referred to in *section 48* or any account and statement prepared under *subsection (3)* of that section—

- (a) the charitable organisation concerned (being a body corporate or unincorporated body of persons) is dissolved, or
- (b) the charitable trust concerned is terminated,

it shall be the duty of the charity Trustees holding office immediately before the date of the dissolution or termination, as the case may be, to preserve that book of account or statement of accounts in accordance with the said *subsection (7)* unless the Authority consents in writing to its being destroyed or its being disposed of in some other manner.

(9) A charity Trustee who contravenes this section shall be guilty of an offence.

(10) It shall be a defence to proceedings for an offence consisting of the contravention of this section for the defendant to prove that he or she believed on reasonable grounds that a competent and reliable person (other than the defendant) was duly charged with the duty of ensuring compliance with this section and was in a position to discharge that duty.

Please Refer to the Company's Data protection or Creation, Retention and Destruction of records policy for specific details on this policy.

Section 2 Financial Management Compliance/ Annual returns

2.1 Annual Statement of Accounts

Companies are required to keep proper books of account which give a true and fair view of the company's financial affairs. Companies are also required to disclose details of their financial statements at the Annual General Meeting (AGM) and to attach a copy of those financial statements to the annual return filed with the CRO. In addition, they are required to observe certain standards in the preparation of financial statements, following specimen formats and disclosing certain information by way of notes to the financial statements.

L'Arche Ireland is fully compliant with the Companies Act 2014, which requires directors of all companies to lay the following financial statements and reports before the company members at the AGM:

- a profit and loss account (or an income and expenditure account if the company is not trading for profit)
- a balance sheet
- a directors' report
- a statutory auditor's report

The annual financial statements and directors' report must be signed on behalf of the directors by two directors.

If a company fails to comply with the requirements, the annual return will be rejected by the CRO. In addition, the company and every officer of the company who is in default will be liable to a category 3 offence - fine not exceeding €5,000.

Not-for-profit companies:

Companies Limited by Guarantee (a form of public company with limited liability which are not trading for the acquisition of gain by the members) are required to prepare and file financial statements in accordance with Parts 6 and 18 of the Companies Act 2014.

2.2 Annual Returns

L'Arche Ireland submits an annual return to the Companies Registration Office by the annual return date in each year. The Annual Return date is 30th September each year.

2.3 Annual Reports

L'Arche Ireland is fully compliant with the Charities Act 2009, which states:

52.— (1) The charity Trustees of a charitable organisation shall, not later than 10 months or such longer period as the Authority may specify, after the end of each financial year, prepare and submit to the Authority a report (in this section referred to as the “annual report”) in respect of its activities in that financial year.

(2) The Minister may make regulations for the purposes of *subsection (1)*.

(3) Without prejudice to the generality of *subsection (2)*, regulations under that subsection may—

- (a) contain different provisions in relation to different classes of information and different classes of charitable organisation,
- (b) require that an annual report contain such information (other than information required to be provided in an annual report under *subsection (1)*) as may be specified in the regulations, and
- (c) provide that a report referred to in that subsection shall be prepared in such manner as is specified in the regulations.

(4) Subject to section 48 (6) and 50 (13), the following shall be attached to an annual report submitted by a charitable organisation in accordance with this section:

- (a) a copy of the annual statement of accounts prepared under *subsection (1)* of section 48 or the income and expenditure account and the statement of assets and liabilities prepared under *subsection (3)* of that section, as the case may be, in respect of the financial year concerned;
- (b) where the accounts of the charitable organisation have been audited in accordance with section 50 (1), a copy of the auditor's report;
- (c) where the accounts of the charitable organisation have been examined by an independent person in accordance with section 50 (3), a copy of the independent person's report.

(5)

- (a) A copy of the accounts prepared by a charitable organisation in accordance with the Companies Acts shall, in respect of the financial year concerned, be attached to an annual report submitted by that charitable organisation in accordance with this section.
- (b) This subsection applies to a charitable organisation that—
 - (i) is a company, and is not required to annex its accounts to the annual return made by it to the registrar of companies under the Companies Acts.

- (ii) is not required to annex its accounts to the annual return made by it to the registrar of companies under the Companies Acts.
- (6) An annual report submitted to the Authority under this section and any document attached thereto shall be kept by the Authority for such period as it thinks fit.
- (7) A charitable organisation that is a body corporate that contravenes this section shall be guilty of an offence.
- (8) Where, in relation to a charitable organisation, there is a contravention of this section, each of the charity Trustees of the organisation shall be guilty of an offence.

In addition, L'Arche Ireland's annual report will be submitted by the CEO to the Board for approval and will be publicly available once approved by the Board.

Section 3 financial management

3.1 Payroll and Revenue Commissioners

The payment of salaries is a major item of L'Arche Ireland's expenditure, and therefore adequate control over their payment is essential. The main purpose of the internal financial controls is to provide assurance that the charity makes payments at the correct rate to genuine employees of the charity and payment of pension contributions.

The controls also ensure that L'Arche Ireland is not exposed to additional liabilities resulting from a breach of statutory regulations, for example through failing to deduct and account for tax and PRSI contributions through the PAYE system.

Community Leaders/CEO ensure that:

- the records required by Revenue regarding PAYE deducted from the salaries of employees are maintained
- statutory deductions are paid to Revenue monthly by direct debit as required
- P30s are submitted by the designated responsible individual in each community* on a monthly basis as advised by Revenue (23rd of succeeding month).
- The P35 is submitted by designated responsible individual in each community * on an annual basis (23rd February).
- pension contributions are paid to various pension providers monthly by direct debit
- minimum wage legislation is adhered to
- only authorised or required deductions are made from pay

- each employee has a proper contract of employment and individuals are not incorrectly classified as self-employed
- legal obligations in relation to pension scheme arrangements are met

L'Arche Ireland is fully complaint with the Revenue PAYE Compliance manual.

While L'Arche Ireland is the umbrella body, each of the communities is responsible for the operation of their own payroll. Each community is registered as an employer with the Revenue Commissioners.

*Where appropriate each community can outsource the provision of payroll services to a recognised Payroll provider with such provider performing the submission of any payments or returns to Revenue as required.

The Community leader in each community processes all salary payments to be transferred on the 25th of each month (or the preceding working day). Salary payments immediately prior to the Christmas period will be transferred on an earlier date to ensure employees are paid before the banks close for Christmas.

Prior to preparing the monthly payroll, the community leader or outsourced payroll provider checks revenue online to determine if there have been any changes to employee tax credits.

When the payroll has been prepared, the Gross to Net report document and employee payslips are checked by the community leader or nominated other, and where all is in order then authorises it for processing.

All new starters and leavers, changes to pay, hours, non-standard hours, employee sickness or employee maternity or paternity leave must be notified to the payroll processor as soon as practicable and all necessary revenue filings in respect of same must be processed as soon as is practicable.

All salary changes must be approved by the CEO. Where a salary change is proposed for the CEO, this must be approved by the Board. No individual has authority to set his or her own remuneration or terms of employment.

As is required by law, L'Arche Ireland offers all employees the option to avail of a pension contribution to a PRSA. In certain circumstances, L'Arche Ireland will also pay an employer contribution. The employer % contribution is set out by each community and is approved by the CEO.

Control accounts for pension, salary, and revenue are reconciled by the community leaders on a monthly basis.

L'Arche Ireland will also facilitate employees to avail of the Bike to Work Scheme and the Tax Saver Commuter Scheme.

2.2 Travel and Subsistence Expenses

Controls over expense payments are applied without exception to all L'Arche Ireland's Trustees and employees.

L'Arche Ireland pays receipted expenses for travel, hotel, conference, training and out-of-pocket expenses for Trustees and employees provided that attendance at the event has been authorised in advance by the CEO.

L'Arche Ireland does not pay receipted expenses for any independent contractors except in limited circumstances where this has been agreed in writing in advance.

Expense claims must be authorised by someone other than the claimant and checked for accuracy before payment, as follows:

Local Community leader//Senior Staff must authorise their employees' expenses. The CEO authorises senior managers' expenses.

The CEO's expenses must be checked and authorised by the Treasurer.

The Chairperson's expenses must be authorised by the Treasurer of the Board. All other Board member expenses must be authorised by the CEO.

Expense claims contain a self-declaration that the claim is accurate and incurred in connection with the business of the organisation. Re-imbursement is made by electronic transfer within two weeks of the claim being received and verified.

Any mileage rate paid for motor travel is at the rates set out in the Revenue Guides – Civil Service Mileage rates or at a rate agreed by the Board which is lower than the Civil Service rates.

Expense forms must be signed by the employee making the claim and their line manager as outlined above. Expenses must be submitted to the relevant area Finance Officer within 7 working days of the end of each month to ensure payment.

2.3 Gift and Corporate Entertainment Policy

Trustees and employees should both be, and be seen to be, independent and objective in their dealings with the affairs of partners, suppliers, contractors etc. The permission of the CEO must be obtained before accepting from any partner, supplier or contractor, gifts or other benefits, including hospitality, over €30.

The acceptance of cash gifts is strictly prohibited irrespective of the amount being gifted.

The CEO must obtain permission of the Treasurer before accepting a gift/benefit in excess of €30 in value.

Section 3

3.1 Fixed Assets

Functional fixed assets include land, buildings, vehicles, fixtures and fittings, and equipment, which are used in the charity's activities. The purpose of controls over fixed assets is to ensure that assets can be identified, recorded in accounting records and are used for the charity's purposes.

The Trustees of a charity have a duty to safeguard the assets of the charity from loss or damage and to ensure their proper use within the charity. The Trustees have set a threshold of €1,000 for the capitalisation of expenditure on fixed assets within the accounting records.

1. FIXED ASSET REGISTER

- a) The Fixed Asset Register should show the type of the asset, date of purchase, purchase value and location of asset. This is already done by the auditors each year and so additions to this are included with the audit each year.
- b) All IT equipment fixed assets should be tagged prior to distribution to a staff member, e.g. laptop.

2. MAINTENANCE OF THE FIXED ASSET REGISTER

- a) Details of the purchase or disposal of a fixed asset should be kept by the community leaders/treasurers and passed on to the relevant community auditors for the purpose of updating the fixed asset register and the calculation of depreciation.

3. LOSS OF A FIXED ASSET

- a) The loss or theft of a fixed asset should be reported to the Community leader immediately and if necessary the CEO
- b) If the loss /theft is from the office, the Community Leader or CEO should notify An Garda Síochána and the insurance providers immediately.
- c) If the loss/theft occurs outside the office premises, the employee responsible for the fixed asset should notify An Garda Síochána and the Community Leader/CEO as soon as the loss is noticed.

Fixed assets are stated at cost or at valuation, less accumulated depreciation. The charge to depreciation is calculated to write off the original cost or valuation of tangible fixed assets, less their estimated residual value, over their expected useful lives as follows:

Land and buildings freehold	- 2% Straight line
Plant and machinery	- 20% Straight line
Fixtures, fittings and equipment	- 12.5% - 33% Straight line
Motor vehicles	- 20% Straight line
Computer equipment	- 20% Straight line

3.2 Investments

Trustees have a duty to apply the charity's income for the benefit of its beneficiaries. This usually means income should be spent rather than invested. However, some funds will be retained within the context of a reserves policy and where appropriate invested.

Trustees ensure that:

- bank reconciliations are prepared at least monthly for all accounts, reviewed by a second person and any discrepancies resolved
- direct debits, standing orders and other transfers are checked monthly for correctness
- the bank account(s) are operated in accordance with the agreement with the issuing Bank and are not used for any money transfers for the private benefit of individuals or third parties under any circumstances
- if acting as an intermediary to transfer funds on behalf of another charity, the Trustees are satisfied that the transaction is to further a charitable activity and does not constitute money laundering
- a list of all its bank accounts is kept and reviewed for dormant accounts which will be closed
- the opening or closing of accounts is authorised by the Board
- third parties are not allowed to open bank accounts in the charity's name, or use the charity's bank account to receive or transfer money
- The costs and benefits of the current and deposit accounts held are regularly reviewed to ensure bank charges and/or rate of interest are competitive and that the credit rating of the deposit taking institution is acceptable.

Investments as Fixed Assets

Investments held as fixed assets are stated at cost less provision for any permanent diminution in value. Income from other financial fixed asset investments together with any related withholding tax is recognised in the income and expenditure account in the year in which it is receivable.

3.3 Reserve's Policy-

The purpose of the reserves policy for L'Arche Ireland is to ensure the stability of the mission, programmes, employment and on-going operations of the organisation. The reserve is intended to provide an internal source of income for situations such as sudden increase in expense, one-time unbudgeted expenses, unanticipated loss in funding, or insured losses. The reserves are not intended to replace a permanent loss of funds or eliminate an on-going budget gap.

The Board of L'Arche Ireland judges that it needs to have a prudent reserves policy that allows it to:

- meet its obligations as an employer by paying redundancy payments to its staff at the statutory minimum level
- Continue to implement its activity plans should an important income stream cease unexpectedly or be delayed.

The calculation of the required level of reserves is an integral part of L'Arche Ireland's planning, budget and forecast cycle.

3.4 Loans

Loans can be an important source of finance for a charity. Loans may be used by a charity to purchase new assets or to enable a charity to continue to operate until new income becomes available.

It is important that Trustees ensure that when taking out of a loan that they are fully aware of all its terms and that the loan is in the interests of the charity. Trustees also ensure that L'Arche Ireland is able to meet the repayments of principal and interest as they fall due before taking out the loan.

Trustees will ensure that:

- all loans are documented and that the amount of the loan and any charges and interest due are clearly set out
- a record of all outstanding loans is kept noting the history of repayments of principal and interest for each loan and the outstanding balance
- the charity has in place a plan to meet the repayment of principal and interest on the loan as they fall due.

L'Arche Ireland will not issue loans to Trustees or employees under any circumstances.

3.5 Insurance

Reasonable, adequate coverage will be maintained to safeguard the assets of the charity.

Such coverage includes:

- Employment Practices Liability Insurance
- Directors' and Officers' Liability Insurance
- Money Insurance
- Public Liability
- Computer Equipment
- Legal Expenses
- Contents Insurance
- Business Operation and Increased Cost of Working
- Office Machinery
- Employer's Liability
- Custodian Warranty

The CEO carefully reviews the insurance policies before renewal.

The CEO or an employee designated by them prepares and maintains an insurance register.

3.6 Restricted Funds

The Trustees ensure that controls exist to provide assurance that any restricted funds are spent only on the purposes for which they were given. The controls also need to provide assurance that endowed funds are properly invested and any prohibition on their expenditure observed.

Procedures exist to record the nature of any restrictions or conditions placed on income received.

Section 4

4.1 Bank and Cash Controls

Income received in the post

The aim of these controls is to provide assurance that the income or donations received in the form of cash or cheque, is accurately recorded in the accounting records and is banked as quickly as possible.

Income received in the post must be kept secure in a secure location, accurately recorded in the accounting records and must banked as quickly as possible.

Bank and Custody

- cheque and cash receipts must be promptly recorded in the accounting records;
- cheques and cash must be banked regularly and promptly by the community leaders or person nominated by them (at least once a week)
- cheques and cash must be securely kept until they are ready to be lodged.
- funds must be banked gross without deduction for costs or expenses; and

Direct Debits/Standing Orders

- Documentation must be obtained for direct debits and/or standing orders.
- All income must be recorded.

Cash Receipts

- All cash received must be receipted.
- The cash should be counted and a confirmation of amount signed off.
- The cash should be kept safe and kept in a secure location as soon as possible – cash must not be kept in employees' houses or cars overnight. Cash may be lodged into a bank night safe if it is not practical to return to the office to put it into the safe.

Donor Documentation

- All documentation must be processed according to the donor's requirements.
- All donors must receive a receipt, with a copy of receipt kept.

4.2 Budgetary Controls

The controls put in place need to be monitored to ensure that they are complied with and provide a sufficiently robust system for managing financial risk. The monitoring of financial activities by Trustees and management on a regular basis is a vital part of this process.

One of the most important financial monitoring activities is budgetary control, i.e., monitoring the charity's financial performance against a budget. Proper and realistic estimates of income and expenditure are made for each community of L'Arche Ireland for each financial year. From this information, the overall budget will be set which will be approved by the Trustees before the start of the financial year to which it relates.

L'Arche Ireland has procedures for sharing monthly or periodic financial information with:

- the senior management team – CEO & Community Leaders
- Finance, Governance, HR Committee
- Audit & Risk Committee
- Trustees

Monitoring procedures identify and will seek explanations for significant over or underperformance of both income and expenditure plans.

Other monitoring activities include a review of expected sources of income and the actual income received. Monitoring can also help to ensure that any restrictions placed on the use of funds are identified and reporting requirement to funders is met.

4.3 Procurement and Purchasing Policy

1. VALUE FOR MONEY

- a) Employees responsible for the acquisition of goods and services should ensure:
 - There is adequate budgetary provision
 - Need has been established
 - Requirements/specifications are clear
 - Compliance with Public Procurement guidelines are adhered to where required
 - Where appropriate Quotations/Tenders are evaluated on the basis of clear consistent criteria
 - Selection is made on a basis of the most economically advantageous tender
 - Clear unambiguous reasons should be given where the cheapest is not accepted

PURCHASING LIMITS

- a) Process for Low Value contracts i.e. Less than €1,000:
 - For contracts below €1,000 a number of verbal quotes from one or more competitive suppliers is sufficient. They should be confirmed in writing by fax or e-mail,
 - Select lowest price / most suitable.
- b) Process for Contracts with a value of €1,000 or greater but less than €20,000:
 - Three competitive quotations from known companies should be sought via fax or e-mail,
 - Consider advertising on e-tenders / other relevant media,
 - Evaluate offers objectively against specified requirements and / or using a scoring sheet,
 - Select most suitable,
 - Notify / debrief unsuccessful bidders.
- c) Process for contracts with a value of greater than €25,000
 - See tendering procedures.

2. TENDERING PROCEDURES

- a) As a basic principle, competitive tendering is used for purchases greater than €25,000. In particular this would be done for capital expenditure such as improvements or repairs to existing buildings etc.
- b) This will be by way of advertisement. Such arrangements should be approved by the Chairperson of the Board (if not provided for in the budget) and tenders should be sought from at least three companies.
- c) A request for tender (RFT) detailing the specification of the goods/services required should be prepared.
- d) Suppliers should be made aware of and agree to comply with the terms.
- e) A date for receipt of tenders should be set at a minimum of 2-3 weeks.
- f) Suppliers must be required to have a current Tax Clearance Certificate.
- g) Tender advertisements must specify that tenders are to be sent in sealed envelopes by e-mail marked for "Tenders for _____" and addressed to the CEO or person authorised by the CEO. The sealed envelope should be date stamped on receipt.
- h) If none of the suppliers tendering for a purchase are deemed viable, L'Arche Ireland reserve the right to re-advertise the tender.
- i) Tenders received after the approved time for receipt of tenders should not be considered.
- j) Extension of time for receipt of tenders should only be authorised with the prior written approval of L'Arche Ireland. This should only be done in exceptional circumstances.
- k) An evaluation process should be agreed in advance with the purpose of obtaining the best value for money.
- l) The most economically advantageous tender must be accepted but the following factors should also be considered:

- Experience,
 - Past Performance,
 - Quality,
 - Professional Reputation,
 - Ability to complete the specified job.
- m) L'Arche Ireland should carefully examine specific tender conditions to ensure they are not inconsistent or inappropriate.
- n) The evaluation process, together with tenders, should be retained for audit.
- o) Unsuccessful tenders should be notified accordingly without delay.
- p) Successful tenders should be notified by letter of their successful application.
- q) The CEO should prepare a contract to be signed by the successful applicant. However if there is a need for specific wording in the contract then legal advice should be sought in preparing the contract.
- r) Open-ended contracts should not be entered into. The contract should have a commencement date and a termination date.
- s) A mechanism should exist in contracts to terminate in the event of non-compliance/performance.
- t) Proper records and files should be maintained in respect of all procurement activities.
- u) Files should be held for 7 years after the goods/services have been received or the contract has been completed.

4.4 Payments

Cheque payments

The use of cheques to make payments is diminishing with the use of electronic payment. Cheques are only issued by L'Arche Ireland in exceptional circumstances.

Two signatories are required on all cheque payments.

The Finance officer or Community Leader can sign off on cheques to the value of €2,500.

The CEO can sign off on cheques to the value of €10,000.

Cheque payments above €10,000 for one individual transaction must be signed off by at least one Trustee with the CEO.

Bank mandates also require two signatures, one of which must be a Trustee. Anything above €10,000 must be signed off by at least one Trustee with the CEO.

There are a number of additional basic controls in place, including:

- Chequebooks are kept in a secure place – chequebooks are always kept locked in a secure location and only community leaders/CEO have access to these.
- Regular review of bank mandates and authority limits;
- L'Arche Ireland operates an absolute prohibition on the signing of blank cheques;

- Prompt recording of payments in Accounts including details of the cheque number, nature of the payment and the payee;
- Obtaining documentation to support the validity of the payment including relevant invoices and confirmation that the goods or services have been received.
- All cheques are crossed with 'account payee only' and 'not negotiable'.

Electronic banking

Trustees have ensured that:

- There is clear segregation of duties to prevent any single person from being able to control substantial resources or obtaining unauthorised access to account information*; and
- There is proper approval for movements between, and payments from, bank accounts, i.e., the Administrator presents the payments for approval to the Community Leader before they are transferred.
- Print outs of statements are maintained as part of the accounting records and approved monthly by the treasurer or Community Leader.
- All PCs with access to the online banking facilities are kept secure;
- All PCs are up to date with anti-virus, spyware and firewall software;
- All the password(s) and PIN(s) are kept secret;
- Passwords are changed periodically and following changes in authorised employees and Trustees;
- Adequate training is provided for those using the organisation's computer systems;
- Emails received relating to bank accounts are treated with caution trustees and employees should not respond to emails or telephone calls asking for personal security details.
- Invoices are approved and paid within a maximum of 31 days.
- Payments are made by EFT as the norm. In exceptional circumstances, payments may be made by cheque.
- All banking on line transactions must be printed in hard copy and filed with the rest of the documentation. – May not be necessary. A soft copy may be enough.
- Every month, a report of all transactions that have been made during that session must be cross-checked against the invoices / payments that were due to have been made, to ensure correct amount has been paid. This is to be produced by the administrators and signed off by the Community Leaders.
- Passwords to access internet banking are held by the Community Leaders, CEO and Office Manager / HR Manager. Passwords should be changed quarterly.
- As a further fraud prevention measure, a listing of new suppliers should be made each month and this listing cross checked to ensure that no conflicts of interest occur and that all suppliers are legitimate

See note in Introduction to this document on **Internal Controls at L'Arche. Compensating for limited segregation of duties through additional oversight.**

Matrix of review/ authorisation/ approval levels

Individual Review Authorities / approval levels are set out in the individual policies and procedures that follow. An overview of these is provided appendix X Matrix of review/ authorisation/ approval levels. These will be reviewed annual by the Finance Governance and Risk sub committee, (FGR) on behalf of the board

Debit cards, credit cards

Any individual holding a company credit card/debit is responsible for:

- Using the cards only for their intended purpose
- Retaining receipts and providing explanations for all company credit card transactions

Administration employees may also hold details of the relevant credit card/debit cards securely, password protected on a computer, or in a locked drawer. These employees are authorised to use this information for pre-sanctioned transactions e.g. on-line booking of flights. Normal approval procedures apply.

Credit cards are cancelled and destroyed immediately if an individual ceases to work for the organisation or if the authorisation of the card's use is withdrawn.

All credit card/debit card expenditure is supported by a receipt and/or invoice and recorded and analysed in accounting records.

Copies of all credit or debit card statements are sent directly to the Community Leader and not the individual cardholder.

The credit card statements are used to record and analyse transactions in the accounting records and are matched with supporting receipts and invoices provided to, or obtained by, holders of cards.

The CEO undertakes a periodic review of card use to ensure consistency of use with set policies. Further detail is in the Financial policies.

Petty cash

Please see the Financial policies for details

4.6 Trading Income

Trading includes all goods and services provided for a fee and can include charitable activities where fees are charged, as well as those trading activities that raise funds for the charity. Controls should be designed to ensure that all income due to the charity is received and recorded. For L'Arche Ireland, the provision of the Café in Callan, Kilkenny is the main source of trading income.

Local management will ensure:

- regular reviews of trading activities to ensure that they fall within tax exemptions
- establishing a pricing policy for goods and services supplied including regular reviews of pricing structures to ensure appropriate cost recoveries
- charging procedures for all goods and services provided
- stock control procedures
- procedures to reconcile amounts charged and cash received

The CEO has responsibility for ensuring implementation of these controls, with the assistance of the various senior employees.

4.7 Fundraising

L'Arche Ireland has signed up to the Statement of Guiding Principles for Fundraising.

4.8 Funding Applications

Applications for funding will be prepared by the fundraising officer or senior personnel in each community. If required the CEO will also assist in the funding application.

Records of all funding applications submitted will be kept, including the date submitted, the funder, what the application was for, the amount applied for and the outcome of the application.

4.9 Legacies

Significant time can elapse between the notification of a legacy and its final receipt.

Internal financial controls are directed at ensuring that all legacy income to which the charity is entitled is actually received and properly recorded in the accounting records.

Records are maintained of all legacies notified to L'Arche Ireland.

Trustees ensure that:

- legacies to which the charity is entitled are recorded in accounting records
- adequate correspondence files are maintained
- regular reviews of progress on collection of outstanding legacies.

4.10 IT systems

- **SOFTWARE AND PASSWORD SECURITY**
 - a) Each computer must be password protected.
 - b) All confidential files relating to accounts and salaries should be in a designated network drive with restricted access rights only accessible by the CEO and the Community Leaders.
 - c) When any of the software packages need to be updated or added to another computer the external IT support providers should be notified to make the necessary updates.
- **INTERNET SECURITY**
 - a) An internet security package is utilised to protect the IT systems of L'Arche Ireland for viruses.
 - b) Internet access is available to employees.
- **MISUSE OF INTERNET OR EMAIL**

Any employee / Trustee discovering or suspecting any incident of actual or suspected misuse of the internet or email should immediately notify the CEO or community leaders of the circumstances

Please also see L'Arche Ireland's Data Protection policy for further policies on security and IT systems

Section 5

5.1 Lobbying

Regulation of Lobbying

Policy Statement

This policy is in line with the Regulation of Lobbying Act, 2015 which is designed to provide information to the public about:

- Who is lobbying
- On whose behalf lobbying is being carried out
- The issues involved in the lobbying
- The intended result of the lobbying
- Who is being lobbied

Lobbying is an essential part of the democratic process. It enables or facilitates citizens and organisations to make their views on public policy and public services known to politicians and public servants. The Act does not aim to prevent or inhibit lobbying. It does aim to make the process more transparent. The Act aims to do this by providing for:

- The establishment and maintenance of a publicly accessible register of lobbying
- The Standards in Public Office Commission (The Standards Commission) to be the regulator of lobbying
- Obligations on lobbyists to register and to provide information regularly about their lobbying activities, including, in the case of professional lobbyists, information about their clients
- A code of conduct on the carrying-on of lobbying activities
- The introduction of a “cooling-off” period during which lobbying activity may not be carried out by some former officials

Where necessary L'Arche Ireland will register on the Register of Lobbying website and provides a return three times a year on its lobbying activities for the periods:

- 1 January – 30 April,
- 1 May – 31 August, and
- 1 September – 31 December.

Purpose

The purpose of this document is to provide information and guidance on reporting Lobbying procedures within L'Arche Ireland.

Scope

This policy applies to Trustees and 'employees' which includes full and part-time employees, contractors and consultants, agency workers, trainees, temporary workers, interns and people on work experience.

Glossary of Terms and Definitions

Definition of Lobbying

Lobbying is making a relevant communication on a relevant matter to a Designated Public Official.

A 'Designated Public Official' is defined in the Act as:

- Ministers of the Government and Ministers of State
- Other members of Dáil Éireann and Seanad Éireann
- Members of the European Parliament for the three constituencies in Ireland
- Members of local authorities
- Special advisers
- Secretaries-General and Assistant Secretaries-General of Government departments, Chief Executive Officers and Trustees of Services in local authorities

Definition of a Relevant Communication

A relevant communication is one that can be written (including emails, Facebook messages, texts, tweets) or oral (including phone calls, discussions at events, Skype meetings), made personally (either directly or indirectly) to a Designated Public Official, is not expected by them and is about a relevant matter.

Definition of a Relevant Matter

A relevant matter is any matter relating to:

- The initiation, development or modification of any public policy or of any public programme (for example, proposals for changes in taxation, proposals for changes in agricultural policy, proposals for changing entitlement to health services)
- The preparation or amendment of any law (including secondary legislation such as statutory instruments and bye-laws) (for example, proposals to change the law on adoption, proposals to change bye-laws relating to traffic)
- The award of any grant, loan or other financial support, contract or other agreement, or of any licence or other authorisation involving public funds (for example, the criteria for the award of housing grants for people with disabilities, the purchase or sale of a property or other assets by the government.)

What is excluded is the ‘implementation’ of any such policy, programme, enactment or award or any matter of a technical nature. For example, communications relating to the development of criteria for schemes of housing grants, development of criteria for selecting builders to build schools or development of criteria for the awarding of a licence to provide transport on a specific route would be regarded as lobbying activity. The implementation of those grant schemes (i.e. the assessment of whether or not an individual would qualify) or licence competitions, or the implementation of tender processes through e-tenders would NOT be regarded as lobbying.

The following are also exempt:

- Private affairs
- Diplomatic relations
- Factual information
- Published submissions
- Trade union negotiations
- Safety and security (e.g. communications that would cause a threat to the safety of someone)
- Oireachtas committees
- Communications by designated public officials or public servants (e.g. if I were a public servant contacting a Designated Public Official)
- Governance of commercial State bodies
- Policy working groups

Procedure for Recording Lobbying

It is the responsibility of all board members and staff members of L’Arche Ireland to report any lobbying activity (or any activities that they suspect may be covered under this policy) to the staff member with responsibility for the return.

It is an offence for L’Arche Ireland board or staff to take part in lobbying and not report it on the Lobbying Registry.

The details required are as follows:

- What is recorded in the return
- The time period
- The subject matter and intended results
- Who carried out the lobbying
- How the lobbying was carried out (Grassroots communications / Mass communications / Targeted lobbying activities) and details of that
- The names of the Designated Public Officials Lobbied

5.2 Fraud and Whistleblowing

Protected Disclosure Policy (Whistleblowing)

Policy Statement

L'Arche Ireland is committed to a culture of openness and accountability, where those working with L'Arche Ireland feel confident to be able to report concerns about wrongdoing. As part of this commitment, L'Arche Ireland will comply with relevant legislation on Protected Disclosures.

Purpose

The purpose of this document is to provide information and guidance on Protected Disclosures (Whistleblowing) procedures within L'Arche Ireland. If an employee makes a disclosure in line with this policy, they are protected from penalisation.

Scope

This policy applies to 'employees' which includes full and part-time employees, contractors and consultants, agency workers, trainees, temporary workers, interns and people on work experience.

Glossary of Terms and Definitions

Whistleblowing

Whistleblowing is the term used when an employee raises a concern about a relevant wrongdoing such as possible fraud, crime, danger or failure to comply with any legal obligation which came to the employee's attention in connection with the employee's employment. Employees may report, in good faith, any matter which they have reasonable grounds for believing will show one or more of the following:

- Committing of an offence — something that has happened, is happening, or is likely to happen;
- Failure to comply with any legal obligation (other than one arising under the employee's contract of employment);
- Miscarriage of justice;
- Danger to the health and safety of any individual (e.g. that the health or welfare of a person in receipt of health or personal social service has been, is or is likely to be at risk or that an employee has or is likely to pose a risk to the health and welfare of the public);
- Misuse of public money;
- Damage to the environment;
- Destruction or concealment of information relating to any of the above.

Employees who report any such matter in accordance with the procedures set out below will be protected from penalisation (as defined below) from their employers and from civil liability. The exception is where an employee has made a report which s/he could reasonably have known to be false. It is important to note that a matter is not regarded as a relevant wrongdoing if it is a matter which it is the function of the employee or their employer to detect, investigate or prosecute and does not consist of or involve an act or omission on the part of the employer.

Penalisation

Penalisation is defined in the Act and includes for example:

- Suspension / layoff / dismissal;
- Demotion;
- Transfer of duties / change of location / change in working hours / reduction in wages;
- Imposition of reprimand, discipline or other penalty;
- Unfair treatment;
- Discrimination;
- Harassment / threat of reprisal.

Motivation

The motivation for making a disclosure is irrelevant as to whether or not it is a protected disclosure. What is required is that an employee has a reasonable belief as to wrongdoing and that this wrongdoing has come to the employee's attention in connection with his/her employment. It is important to note that in situations where an employee makes a disclosure not in compliance with the Act, the protections under the Act will not be available to the employee. It is also important to note that deliberate false disclosure will not be protected and that an employee could leave themselves open to disciplinary action in that regard.

Authorised Person

The Authorised Person is the Chairperson of the Board of L'Arche Ireland.

Disclosure Process

Protected disclosure of information to an Authorised Person

The employee should set out the details of the subject matter of the disclosure in writing on the Protected Disclosures of Information Form (see Appendix 1) and submit to the Authorised Person.

Following receipt of the disclosure, the Authorised Person will make initial enquiries to determine whether or not the subject matter of the disclosure comes within the scope of the Act and, if so, what form the investigation should take. If the subject matter of the disclosure falls within the scope of specific policies or procedures, an investigation will be carried out in accordance with the appropriate policy/procedure

If the matter does not come within the scope of the Procedures on Protected Disclosures of Information but may come within the scope of the complaints policy or other policy / procedures, the Authorised Person will advise the employee accordingly.

The Authorised Person may refer the matter or any part of it to an appropriate Scheduled Body such as:

- the Chief Inspector of Social Services
- the Comptroller and Auditor General
- the Health Information and Quality Authority
- the Mental Health Commission

or a professional regulatory body. Where the Authorised Person believes that a criminal offence has been committed, they may refer the matter directly to An Garda Síochána.

Where appropriate, the Authorised Person should liaise with the HSE (where appropriate) before proceeding with a disclosure to a professional regulatory body.

Notwithstanding a referral to any of the above, the Authorised Person may investigate the matter if s/he or the person in charge of the body to which the disclosure relates considers it appropriate to do so.

The Authorised Person may inform the person in charge of the body to whom the disclosure relates of the subject matter of the disclosure who may, with the consent of the Authorised Person, appoint another person to investigate the subject matter.

If, at any time during an investigation, the Authorised Person believes the disclosure is false, misleading, frivolous or vexatious, they may cease the investigation.

An employee who makes a protected disclosure in good faith is protected from any form of penalisation regardless of the outcome of the investigation.

Employees who make a protected disclosure in good faith are also protected from civil liability. This protection does not apply however, to an employee who makes a disclosure knowing it to be or reckless as to whether it is false, misleading, frivolous or vexatious or who furnishes information in connection with a disclosure which they know to be false or misleading.

The employee who makes the disclosure will be as far as possible and subject to any legal constraint informed of the outcome of the investigation.

An employee may make a disclosure direct to a Scheduled Body if that course of action is justified by reason of the urgency of the matter.

An employee may also make a protected disclosure to a Scheduled Body if, after making it to the Authorised Person, no investigation takes place or if an investigation takes place but there is no action or recommended action in the matter.

Protected disclosure of information to a Scheduled Body

Notwithstanding the procedures set out above, an employee may make, in good faith, a disclosure on a matter which they have reasonable grounds for believing will show a risk to the health or welfare of the public, to one of the following bodies:

- To an authorised person appointed by the Health Information and Quality Authority under the Health Act 2007 to monitor compliance with standards under section 8(1)(c) or undertake an investigation under Section 9 of the Act,

or

- To the Inspector of Mental Services who is in the course of an inspection carried out in accordance with section 51 of the Mental Health Act 2001
- To the Chief Inspector of Social Services who is in the course of an inspection carried out in accordance with section 41 of the Health Act 2007

The employee making the disclosure must have reasonable grounds for believing that there is a risk to the health or welfare of the public.

Protected disclosure of information to a Barrister, Solicitor or Trade Union Official

A disclosure is protected under this policy if it is made by the employee in the course of obtaining legal advice (including advice relating to the operation of this Act) from a barrister, solicitor or trade union official.

Confidentiality

Confidentiality will be maintained in relation to the investigation of the subject matter of the disclosure insofar as is reasonably practicable. It is important to note that it may be necessary to disclose the identity of the employee who made the disclosure in order to ensure that the investigation is carried out in accordance with the rules of natural justice.

Representation

The employee may be represented by his/her union or work colleague at any meetings held in connection with the concerns raised.

Protection from Penalisation

Employees who make a protected disclosure in good faith have statutory protection from being subjected to detrimental treatment in respect of their terms and conditions of employment.

An employee who feels that they have suffered detrimental treatment by their employer in relation to any aspect of their employment as a result of making a protected disclosure can refer a complaint of penalisation to a Rights Commissioner. The Health Act 2007 broadly defines ‘penalisation’ as including “any act or omission by an employer or a person acting on

behalf of an employer that affects an employee to his or her detriment with respect to any term or condition of his or her employment and which is consequent upon a protected disclosure by the employee.”

Penalisation includes the following:

- suspension, lay-off or dismissal (including a dismissal within the meaning of the Unfair Dismissals Acts 1997 to 2005), or the threat of suspension, lay-off or dismissal;
- demotion or loss of opportunity for promotion;
- transfer of duties, change of location of place of work, reduction in wages or a change in working hours (unless there are genuine service reasons);
- imposition of any discipline, reprimand or other penalty (including a financial penalty);
- coercion, intimidation or harassment;
- injury, damage or loss;
- threats of reprisal

In order to refer a claim for penalisation, the employee must be able to demonstrate that they were subjected to detrimental treatment as a result of making a protected disclosure.

A complaint of penalisation must be submitted to the Workplace Relations Commission within 12 months from the date of the alleged act of penalisation. In exceptional circumstances, the 12-month time limit for submitting a complaint may be extended by up to 6 months (the period of the extension is such period as the Rights Commissioner considers reasonable). The decision of the Rights Commissioner may be appealed to the Labour Court. The notice of appeal must be submitted to the Labour Court within 6 weeks of the date on which the Rights Commissioner decision was issued to the parties.

Making of False Reports

An employee who makes a disclosure which they know, or reasonably ought to know, to be false is guilty of an offence under the Act. Such a person may be liable on summary conviction to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 12 months or to both. Alternatively, on conviction, the person may be liable to a fine not exceeding €50,000 or to imprisonment for a term not exceeding 3 years or to both.

Protected Disclosures of Information Form

Before you complete this form, you should read the policy carefully and ensure that the subject matter of your concern is covered by the legislation.

Please note that disclosures must be made in good faith and relate to a matter that you have reasonable grounds to be concerned about. It must not be merely intended to undermine the reputation of any colleague or service provider. If you make a disclosure which you know or reasonably ought to know to be false you will be guilty of an offence under the legislation.

1. Name of employee making the disclosure:

2. Job Title:

Details of the disclosure (care should be taken to only include the name(s) of individual(s) directly relevant to the report):

.....
.....
.....
.....
.....

Date(s)/Time(s) of occurrence(s) (if appropriate):

.....
.....
.....
.....
.....

Basis of your concern(s):

.....
.....

Please provide contact details at which the Authorised Person may contact you.

Address:

Tel no.:

Employee's signature:

Date:

5.3 Bribery

Acts of bribery or corruption are designed to influence an individual in the performance of their duty and incline them to act in a way that a reasonable person would consider to be dishonest in the circumstances.

Bribery can be defined as offering, promising or giving a financial (or other) advantage to another person with the intention of inducing or rewarding that person to act or for having acted in a way, which a reasonable person would consider improper in the circumstances. Corruption is any form of abuse of entrusted power for private gain and may include, but is not limited to, bribery.

Bribes are not always a matter of handing over cash. Gifts, hospitality and entertainment can be bribes if they are intended to influence a decision.

L'Arche Ireland will not tolerate bribery or corruption in any form.

The charity prohibits the offering, giving, solicitation or the acceptance of any bribe or corrupt inducement, whether in cash or in any other form:

- *to or from* any person or company wherever located, whether a public official or public body, or a private person or company;
- *by* any individual employee, director, agent, consultant, contractor or other person or body acting on the charity's behalf;
- *in order to* gain any commercial, contractual, or regulatory advantage for the charity in any way which is unethical or *to gain* any personal advantage, pecuniary or otherwise, for the individual or anyone connected with the individual.

This policy is not intended to prohibit the following practices provided they are appropriate, proportionate and are properly recorded:

- normal hospitality, provided that it complies with the charity's Corporate Gift Policy – Section 2.3;
- fast tracking a process which is available to all on the payment of a fee; and/or
- Providing resources to assist a person or body to make a decision more efficiently, provided that it is for this purpose only.

It may not always be a simple matter to determine whether a possible course of action is appropriate. If you are in any doubt as to whether a possible act might be in breach of this policy or the law, the matter should be referred to the CEO.

L'Arche Ireland will investigate thoroughly any actual or suspected breach of this policy, or the spirit of this policy. Employees found to be in breach of this policy may be subject to disciplinary action which may ultimately result in their dismissal.

Bribery can be a risk in many areas of the charity. Below are the key areas to be aware of in particular:

Excessive gifts, entertainment and hospitality: can be used to exert improper influence on decision makers. Gifts, entertainment and hospitality are acceptable provided they fall within L'Arche Ireland Financial Policy.

Facilitation payments: are used by businesses or individuals to secure or expedite the performance of a routine or necessary action to which the payer has an entitlement as of right. The charity will not tolerate or excuse such payments being made.

Reciprocal agreements: or any other form of '*quid pro quo*' are never acceptable unless they are legitimate business arrangements which are properly documented and approved by management. Improper payments to obtain new business, retain existing business or secure any improper advantage should never be accepted or made.

Actions by third parties for which the charity may be held responsible: can include a range of people i.e. agents, contractors and consultants, acting on the charity's behalf. Appropriate due diligence should be undertaken before a third party is engaged. Third parties should only be engaged where there is a clear business rationale for doing so, with an appropriate contract. Any payments to third parties should be properly authorised and recorded.

Record keeping: can be exploited to conceal bribes or corrupt practices. L'Arche Ireland ensures that it has robust controls in place so that records are accurate and transparent.

The prevention, detection and reporting of bribery or corruption is the responsibility of all employees throughout the charity. If a Trustee or employee becomes aware or suspects that an activity or conduct which is proposed or has taken place is a bribe or corrupt, then they have a duty to report this.

Any such incidents should be reported in accordance the charity's whistle blowing policy.

5.4 Money Laundering

The Criminal Justice (Money Laundering and Terrorist Financing) Act 2010, as amended by the Criminal Justice Act 2013, consolidated Ireland's existing anti-money laundering and terrorist financing laws.

The Act places obligations on certain businesses to guard against them being used for money laundering or terrorist financing purposes. It contains requirements to:

- identify customers/beneficial owners
- report suspicious transactions to An Garda Síochána and the Revenue Commissioners and
- have specific procedures in place to fully provide as far as is possible for the prevention of money laundering and terrorist financing.

L'Arche Ireland is fully compliant with the requirements of this legislation.

Appendix 2**Monthly Financial management oversight**

The Board and supported by the subcommittee provide oversight of the Financial management with in the community. Due to the size of the communities, Central office and the numbers of personnel, complete separation of duties is not always possible. This is provided through regular meetings/ email review with the local treasurer, and through reporting to the FGR and Board.

	Frequency	Areas and tools	Who completes	Comments
Monthly Local oversight by the Local committee Treasurer who is a member of the FGR				
Monthly Management accounts	monthly	against budget	Finance officer / CL & Treasurer	These are done monthly
Bank reconciliation	Monthly	Spot checks	Finance officer / CL & Treasurer	These are done monthly
Quarterly Local oversight by the Local committee Treasurer who is a member of the FGR				
Payroll	Quarterly	Against main sheets and budget	Finance officer / CL & Treasurer	These are done quarterly
Credit card	Quarterly	Spot- walk through	Finance officer / CL & Treasurer	These are done quarterly
Travel expenses	Quarterly	Spot checks	Finance officer / CL & Treasurer	These are done quarterly
Core members money	Quarterly	Spots checks	Finance officer / CL & Treasurer	PIC do these quarterly
Review of capital spend	Quarterly	Spots checks	Finance officer / CL & Treasurer	HIQ/ Interface meeting
Review of additions / deletions supplier data base	Quarterly	Spots checks	Finance officer / CL & Treasurer	As per PIC
Not part of Monthly/ Quaterly meetings				
Additional Annual oversight- completed by as named below				
System audit	Annual	All systems- L'Arche Ireland Financial management tool	1. Completed community using already agreed tool 2. Oversight by board members and auditors as part of AFS 3.FGR- systems oversight 4. Presented to the Board	This is done annually
Annual budget*after it has been prepared by the Community	Annual	L'Arche Ireland budget template	CEO review FGR review at Interface meeting Board approval- Decision template	HSE Strategic Charter

Each community can decide if it the finance/ admin officer and / CL and the treasurer.

Monthly meetings: I would see for the regular meeting there would be just two people and perhaps quarterly or bi annual the 3 people, but this will depend on the method used, and time available and size of community.

Annual budget: in community: prepared by the community, then reviewed by the local committee, the steps outlined above are after this.

Spot checks: Looking for exceptions, and some regular to ensure system is working

Report form			
Monthly			
	All correct	Comment /action/ budget variation noted	Sign
Bank Reconciliations			
Monthly management against budget			
Quarterly checks			
	All correct	Comment /action/ budget variation noted	Sign
Payroll- General check against budget no of employees			
Spot checks Rates of pay			

Pay verses time sheets for those doing duties that have additional payment, or on relief hours			
Credit card Overall expenditure Spot check and walk though a number of payments			
Travel expenses Overall expenditure Spot check and walk through a number of payments			
Core members money Spot check Expenditure- with receipt			
Review of capital spend			
Review of additions / deletions supplier data base			
Any additional comment required			
<u>In attendance :</u> <u>Date</u> <u>Completed by -</u> <hr/> <u>Signed</u> <hr/> <u>Date:</u>			

Appendix 2



Authorisation / Approval Levels L'Arche Ireland

This matrix is one part of the overall governance and leadership policies of L'Arche Ireland, please see Appendix 1. The Matrix is based on the current legislation, HSE SLA agreement and the Leadership principles of L'Arche.

There are numerous regular systems of reporting to assist with the matrix and the flow of information as outlined below.

Governance and organisational structure						
	Community leadership As required Leadership team: CL's and CEO/ Leader	Local Committee including treasurer review	CEO	FGR / Audit committee	Board	Comments
Overall governance and organisational structure					Guidance and approval	All parties are consulted
Key policies	Develop/review	Consult as required	Develop and review as required Ensures implementation	Consult and recommends on Risk, governance and financial policies	Key common policies to be approved by the board.	Key policies for example Safeguarding, complaints, financial, employment policies and overall Governance handbook. CEO to exercise discretion (in consultation with L'Arche or local Committee chair as appropriate) on sensitive issues .

Local policies	Prepare and review	Consult	Input as required. Advise as to what are local policies			See CEO
Board and committees Terms of references (TOR)					Develops approves, reviews.	All relevant parties are consulted
Board and committees membership		Ensures adequate numbers, skill mix and tenure of the local committee			Ensures adequate numbers, skill mix and tenure of the Board	
Risk Management						
	Community leadership As required Leadership team: CL's and CEO/ Leader	Local Committee including treasurer review	CEO	FGR / Audit committee	Board	Comments
Risk management-governance	Operational responsibility	Review/input to local risk register	Review/input to risk registers Operational responsibility	Input to / Review risk register and advise Board on same	Input, review monitor and approve	Risk Register to be available on line for agreed parties.
Risk management - operational						
Internal Audits	Operational responsibility	Monthly financial review			Oversight of audits	At present :6 monthly audits and an annual in line with Health Act 2007 and internal financial management audits and AFS Discuss briefly to clarify
External annual financial audit						

Financial Management						
3 Bank / ETF / Debit , Credit Cards						
	Community leadership As required Leadership team: CL's and CEO/ Leader	Local Committee including treasurer review	CEO	FGR / Audit committee	Board	Comments
Open bank account Change signatories and on line signatories/ sign off	Operational responsibility	Advise significant changes. Periodically monitor reduction in bank account and card numbers where appropriate		Hon Treasurer to conduct annual review annual of bank accounts, card use and signatories (including on line) with CEO and report outcome to FGR	Advised via FGR committee minute All opening of bank accounts and changes to the signatures to be signed off by the Board	Progressive reduction in bank accounts and card numbers (where necessary) a priority. Progress to be confirmed at annual review by Treasurer .
Add new supplier To ETF	CL to approve all changes	Review at Monthly treasurer meeting	CEO to be advised of significant changes			
Issue new Debit/ credit card Approve spend limit on DC/CC	Approve as per financial policy	Review any changes at Monthly meeting.	CEO to work with CL to ensure that credit cards/ debit cards numbers are kept to a minimum	-See above	See above	

Travelling expenses, reimbursements	As per financial policy Shared learning through Leadership meetings.	Spot checks at Monthly treasurer review meeting	Bi-Annual policy review			
Approval						
Approve of spend						

Revenue/ Capital						
	Community leadership As required Leadership team: CL's and CEO/ Leader	Local Committee including treasurer review	CEO	FGR / Audit committee	Board	Comments
Annual Budget Prepare Review/ recommend Approve	Prepares	review and recommend	Review and recommend to FGR and Board	Review and recommend at Inter finance meeting	Approve	
Budget Variances from Revenue or Capex	Advise on/ management action on variances if required	review	Approve and inform FGR /Board treasurer	Updated at each meeting. Recommend / support management action as required.	To be advised by FGR minute Committee./ or by Local Committee Chair, Hon Treasurer	This does not include variances due to minor timing factors (eg annual insurance premiums paid as lump sum). .

Management Accounts	Monthly review	Local Treasurer Monthly review meeting. CL/ Treasurer to advise on any issues arising (eg likely variances, capex, control points)	Brief Monthly review with each CL. Variances to be escalated to FGR and reported to Board	Report at each FGR meeting	Advised through FGR Committee-	This refers only where variation are not due to timing issues

Personnel/Human resources						
	Community leadership As required Leadership team: CL's and CEO/ Leader	Local Committee/treasurer	CEO	FGR / Local community chair	Board	Comments

New employees - Within Budget Outside budget	PIC or other co-ordinator Approve employee recruitment within current budget Recommend	Consult/ update as appropriate Consult / recommend	CEO consulted /informed initially by CL on changes Active dialogue with CL and committee chair , recommend to Board		Discuss and approve	
Change in terms (salary / benefits) - Budgeted - Outside budget	Leadership team discuss and recommend changes to T+C's	Consult	Finalise and present to Board		Discuss / Approve	
Budgeted promotion/ upgrade	propose	Report (consult if more senior role)	Consult/ inform ((depending on seniority)		Informed through Community report	
Recruitment All grade except PIC and Community leader	Lead and recommend	Recommend	Consult (as appropriate) and sign contract.		Informed as appropriate through Community report	
Recruitment PIC and Community leader	CEO and CL to work closely on recruitment	Consult / recommend	Lead and recommend to Board – CL. Approve PIC Signs all contracts		Approve- CL	
Recruitment CEO/Leader						Discernment process will be led by the Delegate or Vice for countries in conjunction with the Board Chair and any other nominated representatives.

						Board to approve appointment and key contract terms
Personnel/Human resources						
	Community leadership As required Leadership team: CL's and CEO/ Leader	Local Committee/ treasurer	CEO	FGR / Audit committee	Board	Comments
HR- disciplinary matters	CL works with relevant co-ordinator External advice from Adare if needed Share with leadership , as appropriate, if there is common learning	Informed. Reporting appropriate to sensitivity of issue	CEO informed and work with CL. CEO exercises discretion with regard to reporting to the Chair/ Board			Dealt with on a case by basis, depending on the issues involved. Confidentiality to be protected, but balanced with need for disclosure to Board. CEO to exercise discretion. Chair to be consulted as appropriate.
HR Governance – re job specification, recruitment and selection, references, remuneration agreement, contracts of employment	Ensures in line with employment law and needs of the community. External advice from Adare if needed	advise/ consult as appropriate	Signs contracts Agrees remuneration Reports to the board		Review and approve employment handbook	
Information Technology						
Approval of spend on IT	Approve within financial policies and Annual budget	Advise. Consult if material	Inform/ involve to ensure consistency across communities as appropriate.		Approval of the annual budget	

Use of equipment type/software type/Database protection/iCloud access and use.	Operational responsibility Leadership to lead development co-ordination of new systems and review as required	Advise. Consult if material	Ensure consistency across communities Database access policy/ procedures .	Review database access policy when developed	Approval of annual budget	Differentiated access to central database for employees and Board members a priority.
IT Risk and related IT disaster recovery	Operational responsibility.	Advise	Oversight. Ensure consistent approach .	Review Risk Register	Oversight. Advise of any material weakness, as with all risks	
GDPR policy and oversight	Operational responsibility Leadership – share information, and review policy	Advise	Oversight. Ensure consistent application	Include in annual policy review .		

Compliance HSE, HIQA Housing agency Charity authority, Health and safety and as required

	Community leadership As required Leadership team: CL's and CEO/ Leader	Local Committee/treasurer	CEO	FGR / Audit committee	Board	Comments
HIQA-registration	Operational responsibility Provide auditing team Leadership team to share information,	inform	Work / review with PIC/Community Leader Ensure policies reflect emerging requirements	Risk register to highlight any issues arising	Inform	
HIQA – action plans	Operational responsibility Leadership team to share information	inform. Consult where material	Inform. CEO will work with PIC/CL if required	Risk register to highlight material actions planned	Inform.	

Regulation notice escalation	Operational responsibility Inform for common learning	.inform and consult	Work with CL to ensure appropriate action is taken.	Register to highlight action to mitigate if material	Chair to be briefed as required Inform the board as required	Some escalations are with regard to minor administration issues. All escalations with regard to the core members care to be escalated to the Chair and inform the board
Admissions/ discharges	Operational responsibility	Inform and consult. Local Committee Chair to be part of Admissions/Discharge Committee	Inform and consult		Inform	
Liaison with the HSE with regard to the SLA agreement- local	Work closely with HSE to comply with local KPI's SLA expectations , and issues arising including funding. Admin/Finance area provides key support . Leadership Team to share insights	Support and advice	Support CL and community as required	Inform	Inform	Part 1 worked on with the Local HSE CHO area.
Liaison with the HSE with regard to the SLA agreement-as a whole	As above		Work intensively with HSE to address funding challenge. where local efforts have been unsuccessful.	Inform/ discuss as required	Informed, discuss and action when required	Part 2 of the SLA is signed by L'Arche Ireland Aim for central dialogue with HSE over time, especially in regard to Governance .
HSE SLA compliance	Provides quarterly returns – as required		complete annual compliance form with Chair /Treasurer	Review/ recommend for Board approval	Approve	

Charity regulator and housing annual returns			Works with board to ensure compliance complete annual compliance form with Chair		Ensures compliance with Governance code Approve Annual return	
Health and safety-overall governance	Operational responsibility Share information for common learning	Inform and consult	Inform. Support as required	Risk register to highlight material issues/actions	Brief on material issues/actions	
Health and safety -operational	Operational responsibility Share information for common learning		As above	As above	As above	

Reports						
Reports	Community leadership As required Leadership team: CL's and CEO/ Leader	Local Committee/treasurer	CEO	FGR / Audit committee	Board	Comments
Reports to the board	Reports by each CL at local level.	Adds note from Committee. Local chair / Treasurer speaks to report at FGR/ Board as appropriate	Adds CEO note Presents to board	Reporting programme format for FGR meetings almost finalised. Minutes to Board.	Reporting at each meeting. Decisions minuted.	Aim is to streamline information flow to avoid duplication. Core information to flow from leaders to LCs to FGR and Board.
Incidents/ accidents	PIC responsibility for reporting updates to CEO	Review	Receives reports. Support as required	Risk register to highlight material issues/actions	Brief on material issues/actions	
Mandates for CL/ Local Chair	Works with CEO/ Local Chair	Advises and supports	Leads and develops with community		Approve	

Mandate and strategic plan development	Develops local mandate Engage with leadership team for L'Arche Ireland/Northern Ireland Mandate	Advise and support implementation	Leads mandate process with mandate team			
Evaluations Appraisals/ CL CEO	Operational responsibility		Leads process for CL evaluation/appraisal		International delegate for countries with the Chair completes the CEO/Leader Evaluation Board self-Appraisal	
Policy/supporting Procedure development-	Leadership team responsibility. In practice useful to delegate first draft to individual CL.	Consult	Oversees overall development and review. Presents key policies/ updates to FGR /Board as appropriate	Recommends key policies within its TOR for Board approval .Annual review of relevant policies on behalf of Board	Approval of new policies. Sign off annual review.	Finance, Governance, Risk Complaints, Safeguarding Whistleblowing Employment etc. Online access to policies required for effective approval and review process (with appropriate access controls). Highlight changes to facilitate review of large number of documents.

Appendix 3

Relevant documents

- Mission and Identity of L'Arche
 - DI-313-2 The Role of the Board in L'Arche a Federation policy
 - Principles of leadership in L'Arche- see appendix 2
 - Policies in relation to the support of the Core members
 - Charity Governance code
 - L'Arche Ireland Governance handbook
 - Financial policies based on the HSE NFR policies
 - Risk management personal/operational/corporate
 - Employment handbook
- There are other policies and ethos of L'Arche which are in place and impact of the overall Governance and management of L'Arche

Appendix 4

All who take on leadership roles commit to the principles which guide leadership and decision making in L'Arche:

Servant Leadership: Roles and structures in L'Arche are at the service of the mission. People are called to leadership roles for limited terms after discernment processes. Those in authority gain wisdom through listening and taking counsel.

Partnership: Trust and collaboration operate freely within L'Arche. The structures are to foster that dynamic and embrace the partnerships among the spiritual, legal, financial, and communal elements.

Subsidiarity: Matters affecting L'Arche are dealt at the most appropriate level closest to the people affected and only when they cannot be solved are referred to another level.

- Accountability:** When given a responsibility in L'Arche and the authority to go with it, accountability is to report back to those who gave the authority. Accountability is about being responsible and being linked to the wider body. It is also about taking responsibility for the consequences of one's actions.
- Participation:** Effective communication is essential in L'Arche. Processes are defined, published, and open. They include people with and without a learning disability.
- Inculturation:** L'Arche Communities live in different cultures. L'Arche embraces this diversity while engaging in an ongoing process of reciprocal and critical interaction, adaptation, and challenge.
- Solidarity:** All in L'Arche share a common humanity and a fundamental equality. We have a shared responsibility for each other and are committed to the common good.

